DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO

1437 Bannock Street Denver, CO 80202

THE STATEWIDE GRAND JURY, 2008- 2009 TERM IN RE:

**JEFFREY CASTARDI,** aka Jeff Wolf aka Jeremy Fowler

**DAWN NANCY WOLF,** Individually and/or dba Gin Rummy Club and/or Pie-o-My, LLC, dba Mario n' Wongs,

LAURA JEAN FOUTY,

JAMES ELTERMAN, Individually and/or dba JHE Realty, LLC,

**DAVID LETTIN,** Individually and/or dba Lettin & Associates, Inc.,

**DANIEL RIEKE, and** 

TODD CASEY

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COURT USE ONLY

Case No:

GJ Case No.: 2008 CR 01

Ctrm.: 6

## STATE GRAND JURY INDICTMENT

- COUNT 1: VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT(CONDUCTING OR PARTICIPATING IN AN ENTERPRISE THROUGH A
  PATTERN OF RACKETEERING ACTIVITY,) § 18-17-104(3), C.R.S.
  (Class 2 Felony) [37284]
  Jeffrey Castardi; Dawn Nancy Wolf, Individually and/or dba Gin Rummy
  - Jeffrey Castardi; Dawn Nancy Wolf, Individually and/or dba Gin Rummy Club, and/or Pie-O-My, LLC, dba Mario n' Wongs; and James Elterman, Individually and/or dba JHE Realty, LLC
- COUNT 2: VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT(CONDUCTING OR PARTICIPATING IN AN ENTERPRISE THROUGH THE
  COLLECTION OF AN UNLAWFUL DEBT), § 18-17-104(3), C.R.S.
  (Class 2 Felony) [37285]

  Jeffrey Castardi; Dawn Nancy Wolf, Individually and/or dba Gin Rummy
  Club and/or Pie-O-My, LLC, dba Mario n' Wongs; and Laura Jean Fouty
- COUNT 3: FORGERY, § 18-5-102(1)(d), C.R.S. (Class 5 Felony) [1001D]

  Dawn Nancy Wolf, Individually and/or dba Gin Rummy Club; and
  Jeffrey Castardi
- COUNT 4: OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE, § 18-5-114(1), C.R.S. (Class 5 Felony) [10121]

  Dawn Nancy Wolf, Individually and/or dba Gin Rummy Club; and Jeffrey Castardi
- COUNT 5: ATTEMPT TO INFLUENCE A PUBLIC SERVANT, § 18-8-306, C.R.S. (Class 4 Felony) [24051]

  Dawn Nancy Wolf, Individually and/or dba Gin Rummy Club; and Jeffrey Castardi
- COUNT 6: ENGAGING IN PROFESSIONAL GAMBLING, § 18-10-103(2), C.R.S. (Class 1 Misdemeanor) [29012]

  Jeffrey Castardi; Dawn Nancy Wolf, Individually and/or dba Gin Rummy Club; James Elterman and Daniel Rieke
- COUNT 7: ENGAGING IN CRIMINAL USURY, § 18-15-104(1), C.R.S. (Class 6 Felony)

  Jeffrey Castardi and Todd Casey
- COUNT 8: FINANCING CRIMINAL USURY, § 18-15-106, C.R.S. (Class 6 Felony) **Todd Casey**
- COUNT 9: POSSESSION OR CONCEALMENT OF RECORDS OF CRIMINAL USURY, § 18-15-108(1), C.R.S. (Class 6 Felony)

  Jeffrey Castardi

- COUNT 10: ATTEMPT TO INFLUENCE A PUBLIC SERVANT, § 18-8-306, C.R.S., (Class 4 Felony) [24051]

  Jeffrey Castardi
- COUNT 11: CRIMINAL IMPERSONATION-GAIN A BENEFIT, § 18-5-113(1)(e), C.R.S., (Class 6 Felony) [1011A]

  Jeffrey Castardi
- COUNT 12: FORGERY, § 18-5-102(1)(d), C.R.S. (Class 5 Felony) [1011D]

  Dawn Nancy Wolf
- COUNT 13: ATTEMPT TO INFLUENCE A PUBLIC SERVANT, § 18-8-306, C.R.S., (Class 4 Felony) [24051]

  Dawn Nancy Wolf
- COUNT 14: FORGERY, § 18-5-102(1)(d), C.R.S., (Class 5 Felony) [1011D] **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**
- COUNT 15: FORGERY, § 18-5-102(1)(d), C.R.S., (Class 5 Felony) [1011D] **Dawn Nancy Wolf,** Individually and/or **dba Gin Rummy Club**
- COUNT 16: TAMPERING WITH A WITNESS OR VICTIM, § 18-8-707(1)(a), C.R.S., (Class 4 Felony) [26121]

  Jeffrey Castardi
- COUNT 17: THEFT-\$20,000 OR MORE, § 18-4-401, C.R.S. (Class 3 Felony) [0801V]

  Jeffrey Castardi and James Elterman, Individually and/or dba JHE Realty,

  LLC
- COUNT 18: THEFT-\$20,000 OR MORE, § 18-4-401, C.R.S. (Class 3 Felony) [0801V] Jeffrey Castardi and James Elterman
- COUNT 19: THEFT-\$20,000 OR MORE, § 18-4-401, C.R.S. (Class 3 Felony) [0801V]

  Jeffrey Castardi and James Elterman, Individually and/or dba JHE Realty,

  LLC
- COUNT 20: TAMPERING WITH PHYSICAL EVIDENCE, § 18-8-610, C.R.S. (Class 6 Felony) [26062]

  Jeffrey Castardi
- COUNT 21: THEFT-\$1,000-\$20,000, § 18-4-401, C.R.S. (Class 4 Felony) [0801U] **Jeffrey Castardi and Dawn Nancy Wolf**
- COUNT 22: IDENTITY THEFT, § 18-5-902, C.R.S. (Class 4 Felony) [13072] **Jeffrey Castardi**

- COUNT 23: UNAUTHORIZED USE OF A FINANCIAL TRANSACTION DEVICE-\$1,000-\$20,000, \$ 18-5-702(1),(3)(c), C.R.S. (Class 5 Felony) [1301D] Jeffrey Castardi
- COUNT 24: CRIMINAL IMPERSONATION, § 18-5-113(1)(c), C.R.S. (Class 6 Felony)
  [1011A]
  Jeffrey Castardi
- COUNT 25 CRIMINAL IMPERSONATION, § 18-5-113(1)(c), C.R.S. (Class 6 Felony)
  [1011A]
  Dawn Nancy Wolf
- COUNT 26 CRIMINAL IMPERSONATION, § 18-5-113(1)(c), C.R.S. (Class 6 Felony)
  [1011A]
  Jeffrey Castardi
- COUNT 27: FRAUD UPON THE DEPARTMENT OF REVENUE (TAX EVASION), § 39-21-118(1), C.R.S., (Class 5 Felony) [40021]

  Jeffrey Castardi and Dawn Nancy Wolf
- COUNT 28: FRAUD UPON THE DEPARTMENT OF REVENUE (TAX EVASION), § 39-21-118(1), C.R.S., (Class 5 Felony) [40021]

  Daniel Rieke
- COUNT 29: TAMPERING WITH PHYSICAL EVIDENCE, § 18-8-610, C.R.S. (Class 6 Felony) [26064]

  David Lettin, Individually and/or dba Lettin & Associates, Inc.
- COUNT 30: FORGERY, § 18-5-102(1)(c), C.R.S. (Class 5 Felony) [1001C] **David Lettin,** Individually and/or **dba Lettin & Associates, Inc.**
- COUNT 31: TAMPERING WITH PHYSICAL EVIDENCE, § 18-8-610, C.R.S. (Class 6 Felony) [26062]

  Dawn Nancy Wolf, Individually and/or Pie-O-My, LLC, dba Mario n' Wongs

STATE OF COLORADO	)
	) ss
CITY AND COUNTY OF DENVER	)

Of the 2008-2009 term of the Denver District Court in the year of 2008, the 2008-2009 State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

## **COUNT ONE**

<u>VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT – (CONDUCTING OR PARTICIPATING IN AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY) § 18-17-104(3), C.R.S. (F2)</u>

On or about May 1, 2003 to December 31, 2008, and initially discovered on or about October 1, 2007, in the State of Colorado, Jeffrey Castardi; Dawn Nancy Wolf, Individually and/or dba Gin Rummy Club and/or Pie-O-My, LLC, dba Mario n' Wongs; and James Elterman, Individually and/or dba JHE Realty, LLC while employed by and/or associated with an enterprise, namely: various legal entities including, but not limited to, the Gin Rummy Club, Pie-o-My-LLC, dba Mario n' Wongs, and John F. Fishburn, Inc. dba Gennaro's Restaurant & Lounge, JHE Realty, LLC, as well as Jeffrey Castardi, Dawn Nancy Wolf, Daniel Rieke, John Van Buren, Jeremy Fowler, Pavolos Kolovos, Todd Casey, Edward Fertig, John Gaborek, Leo Pavlushkin, James Elterman, Steven Jacobson, Darko Lukajic, Leonard Gennaro, Dan Goins, David Lettin, Andrew Stein, Scott Shires, and Laura Jean Fouty, a group of individuals associated in fact, although not a legal entity, and others known and unknown to the Grand Jury, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of sections 18-17-104(3) and 18-17-105, C.R.S., the Colorado Organized Crime Control Act.

The offense of Count One was committed in the following manner:

#### **The Enterprise**

The enterprise alleged in Count One and in a separately alleged Count Two is a combination of businesses that existed as corporate entities, as well as a collection of individuals associated in fact, although not a legal entity, including others known and unknown to the Grand Jury. Specifically, the individuals comprising this group were either directly or indirectly involved with the diverse operations centered around an illegal professional gambling establishment known as the Gin Rummy Club (GRC), located at 2380 S. Broadway, Denver, CO. The critical illicit behaviors which formed the foundation for the criminal enterprise included illegal poker play, bookmaking and sports betting, usurious loan making, unlawful debt collection, theft and money laundering. The GRC and its associated leadership also maintained ongoing ties with other related business entities, including two restaurants known as Mario n' Wongs (Pie-o-My, LLC) and Gennaro's Restaurant & Lounge (John F. Fishburn, Inc.). These businesses partially operated as fronts for the enterprise, and specifically in the case of Mario n' Wongs as an entity used to collect unlawful debts and to launder illicit gambling and loan making proceeds on behalf of the GRC and its leadership.

Building on the foundational summary described above, it is further important to recognize that beginning in 1971 the Colorado Legislature stated and continues stating that, "It is declared to be the policy of the general assembly, recognizing the close relationship between professional gambling and other organized crime, to restrain all persons from seeking profit from

gambling activities in this state; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals in sport and social pastimes which are not for profit, do not affect the public, and do not breach the peace." C.R.S. § 18-10-101(1). In 1981, the Colorado Legislature enacted the Colorado Organized Crime Control Act and as part of its comprehensive declaration stated and continues to state that, "Organized crime derives a major portion of its power through money procured from such illegal endeavors as syndicated and organized gambling, loan-sharking, the theft of property ....." C.R.S. § 18-17-102.

In addition to the three business entities cited above, the enterprise also included, but was not limited to, the following individuals who occupied leadership roles:

Jeffrey Castardi; Dawn Nancy Wolf; Daniel Rieke; James Elterman; and Laura Jean Fouty.

**Jeffrey Castardi** served as the central leader of this enterprise through his role as the actual day to day owner/operator of the GRC from its inception in May 2003, onto July 8, 2003 when the GRC was incorporated as a Colorado non-profit with the Colorado Secretary of State and until its forced closure on April 18, 2008. Specifically, Mr. Castardi was instrumental in the success of the enterprise because he uniquely possessed a pre-existing knowledge and understanding of how a diverse illegal professional gambling operation worked. The Grand Jury learned that Castardi acquired this relevant knowledge of gambling, bookmaking and loan sharking during his youth and early adult years while he lived and worked in the New York City area. This information was presented to the Grand Jury for the limited purpose of showing Castardi's knowledge and to assist in proving his mens rea to commit certain alleged crimes.

In recent years, Castardi purposefully created, enhanced and/or manipulated a belief that the GRC was a Mafia or mob affiliated establishment. Castardi's use of this tactic was designed to strengthen the intimidating influence of the GRC and also to further the success of the enterprise's illicit business methods while in pursuit of its financial goals. Specifically, Castardi regularly emphasized to his associates in his Colorado business endeavors that he was in fact closely affiliated with organized crime figures from the east coast. Witnesses then testified that this bravado also allowed Castardi to position himself and his enterprise in a manner which maximized his efforts to subvert weak businesses and to collect additional money for this enterprise. With this foundation in place, Castardi implemented an orchestrated scheme to achieve financial profits by first recruiting and then instructing a variety of associates how to carry out various components of his operation. Examples of this scheme included Castardi hiring managers and dealers to market GRC's activities and then run upwards to three poker tables, including a high stakes game, in which the house (GRC) received a "rake" for each hand of poker that was played. The "rake" served as one source of the financial revenue that was earned by the house. Castardi also took the lead by providing an illegal

sportsbetting/bookmaking service for GRC players and others which also served as another source of revenue. The next component of the operation was when Castardi established a system in which the poker players and sports betters played at the GRC on credit.

This system of credit was referred to by witnesses as playing on the "book". Castardi and his managers, including Jeremy Fowler at first and later Daniel Rieke, maintained and accounted for the "book" on a daily basis. The existence of the "book" often led players to accrue significant financial debt to the GRC and Castardi. Some players and others then felt it was necessary to take out "street loans" that were usually orchestrated and/or financed by Castardi. These "street loans" sometimes included loan finance payments which appeared to be in excess of the 45% annual percentage rate or its equivalent for shorter or longer time periods that is considered criminal usury in Colorado. The weekly cash payments by debtors covered the high rate of interest on these "street loans" and served as another significant source of income for Castardi and his associates. Furthermore, Castardi and the GRC implemented and then relied on what was described as a persistent and sometimes intimidating debt collection operation for both the gambling and loan debts that were owed to the GRC and Castardi.

As discussed above the vast sums of money owed to Castardi and the GRC were often paid by the debtors with cash. But evidence also exists which demonstrates that certain debtors were instructed by Castardi to either deposit checks or to make wire transfers into the personal accounts of various Castardi associates, namely Daniel Rieke, Laura Jean Fouty and Steve Jacobson. These individuals would in turn withdraw cash which was ultimately routed to Castardi or others. Additionally, operational accounts and point of service credit card readers from Castardi related businesses, such as Mario n Wongs, were also used as laundering conduits for gambling or loan related debt payments that were owed to GRC and/or Castardi. This Castardi led behavior is consistent with money laundering when a completed or attempted financial transaction involving proceeds (profits) from specified unlawful activity is intentionally implemented to promote the carrying on of the specified unlawful activity or when the transaction was knowingly designed to conceal or disguise the nature, location, source, or ownership of the proceeds (profits).

**Dawn Nancy Wolf** is Jeffrey Castardi's spouse and arguably his most trusted business partner who served as the public and legal face of the GRC. Ms. Wolf's initial involvement with this enterprise occurred when she filed the Articles of Incorporation for the GRC establishing it as a nonprofit corporate entity on July 8, 2003. Additionally, Ms. Wolf signed the lease agreement for the building which housed the GRC. Evidence was established which demonstrated that this tactic of having Ms. Wolf purposefully serve as the public face was done either because of Mr. Castardi's legal inability or as a calculated and complicit decision by him to avoid being legally associated with the GRC. Ms. Wolf then continued through April 18, 2008 and beyond as the GRC's registered agent while also serving as its sole corporate officer.

Furthermore, on or about December 12, 2003, in a further attempt to provide an appearance that the GRC was operating legally and legitimately, Dawn Wolf prepared and filed an application for a Social Room license with the City and County of Denver. Ms. Wolf affirmed in this application that the GRC was not organized for nor was it to be operated for profit. She also never referred to Jeffrey Castardi in the application, even though she was

specifically asked to identify any person who has or will have a financial interest in the GRC. This question was important because if Castardi had been listed in the application the reviewing city employees, including a hearing officer for the City and County of Denver, would have been put on notice as to Castardi's background, and thus subjecting the application to greater scrutiny.

On February 26 2004, Ms. Wolf testified under oath in an official proceeding before Hearing Officer Eileen Muench in support of GRC's application for a Social Room license from the City and County of Denver. During this hearing, Ms. Wolf again emphasized the stated nonprofit nature of the GRC, but again failed to mention Castardi, nor did she provide any details of him being involved as the hidden owner and operator of the GRC. Furthermore, Wolf did not discuss the true and illicit nature of GRC's existence as a for profit professional gambling operation. Ultimately the enterprise received the license, which was then manipulated by members of the enterprise in a manner which gave the impression to some individuals that the City condoned the GRC's illicit gambling operation by granting its imprimatur.

Over the next four plus years Ms. Wolf continued serving as an important intermediary between Castardi and his associates as they jointly conducted the professional gambling and debt collection operations. Finally, Ms. Wolf then became financially involved with Gennaro's and more importantly with Mario n' Wongs, both of which were businesses that were used by Castardi and Wolf to further their illicit activities, including, but not limited to the collection of unlawful debts and the laundering of proceeds (profits) acquired by the diverse operations of the enterprise.

**Daniel Rieke** was Jeffrey Castardi's most recent principal lieutenant in the enterprise. Mr. Rieke was at first a dealer for the GRC and later its manager as he operated professional gambling activities, including illegal poker and sports bookmaking. Rieke also had an integral role in the active collection of unlawful debts which were owed to the GRC. Another key activity attributed to Rieke was the use of his personal bank accounts to launder illicit proceeds which were intended for the GRC centered enterprise. Finally, Mr. Rieke was intimately involved in the day to day operations of Gennaro's and then in April 2008, he became the registered agent for Mario n' Wongs.

**James Elterman** is a real estate developer with JHE Realty, LLC who allegedly was a financier for some of the GRC's and Castardi's operations. Evidence was independently developed that some of his payments were funneled through the bank accounts of Laura Jean Fouty and Steve Jacobson and intended for Castardi. Furthermore, Elterman was involved with Castardi by allegedly committing an insurance fraud involving Elterman's 2003 Mercedes Benz SL500R-Roadster.

**Laura Jean Fouty,** as shown by evidence independent of her statements, started her involvement with the enterprise as a worker at the GRC with multiple roles including, but not limited to, being a dealer in a few illegal poker games. As time went on, Mr. Castardi expanded her duties to support the enterprise when he started taking advantage of her a role and access as a manager/bartender at Gennaro's Restaurant and Lounge in approximately 2004. Starting in 2005, Ms. Fouty began collecting and laundering money for Castardi and the GRC by allowing her personal bank accounts to be used by having large sums of money deposited into these

accounts from both debtors and creditors who were associated with the gambling, loan sharking and other business operations.

The following individuals were also allegedly associated with the enterprise at some point and in various degrees during its operation:

Jeremy Fowler,
Edward Fertig,
John Gaborek,
Andrew Stein,
John Van Buren,
Scott Shires,
Leo Pavlushkin,
Darko Lukajic,
Stephen Jacobson
Leonard Gennaro,
Pavolos Kavolos,
Dan Goins,
David Lettin and
Todd Casey

Jeremy Fowler was the GRC's first manager beginning in 2003 through June 2007. In particular, Mr. Fowler ran the illegal poker games for Castardi, operated an illegal bookmaking operation with Castardi, recruited staff and players and was instrumental in the collection and management of unlawful debts owed to the GRC. Castardi also used Fowler's name and credit when he leased the Castardi/Wolf home at 981 Spruce, Denver from Ward McMackin in approximately 2004. Furthermore, Mr. Fowler had a significant role in the establishment and management of Castardi's restaurant, Mario n' Wongs, in early 2007 before it officially opened for business. Finally, in June 2007 Mr. Fowler reportedly took his own life by committing suicide in New Mexico via a shot gun wound to the head. This suicide occurred at the same time Castardi was actively involved with reporting Fowler's disappearance to local authorities all the while really fearing that Fowler was in the custody of law enforcement while possessing certain incriminating documents regarding the operation of the enterprise.

**Edward Fertig** was a confidante of Castardi who briefly worked in a management role under Castardi and with Fowler at GRC from October 2004-January 2005. Early on when the GRC was being established Castardi asked Fertig whether he would be willing to be listed on the application for the Social License in Denver because Castardi stated that he was unable to be listed with Dawn Wolf because of his past. Once employed by the GRC in late 2004 Fertig's duties included handling gambling proceeds and collecting unlawful debts for Castardi. Mr. Fertig finally chose to stop working for GRC because of the illegal nature of the operation.

**John Gaborek** was originally a poker player who started playing at the GRC in the early days of its existence. Beginning in late 2004 Mr. Gaborek became financially involved with the enterprise when he invested money into the GRC, then Gennaro's and finally Mario n' Wong's.

Additionally, Castardi used and manipulated Gaborek's name, money and credit as the "legit guy" to advance the enterprise's diverse operations, and to personally benefit Ms. Wolf and himself.

Andrew Stein was initially a law student who played in illegal poker games at the GRC. Mr. Stein then paid some of his gambling debts that were owed to the GRC via structured checks from his personal account that were payable through the account of Laura Jean Fouty. Mr. Stein then became a licensed attorney in Colorado who continued his relationship with Castardi and the enterprise by allegedly providing legal services and advice to Castardi, Wolf and Mario n' Wongs.

**John Van Buren** was at first a poker player whose role ultimately evolved into a part-time manager with the GRC in late 2007 into early 2008. Specifically, Mr. Van Buren took the lead in re-establishing and marketing illegal poker games at the GRC that occurred on Friday nights. Mr. Van Buren and the GRC jointly benefitted from Mr. Van Buren's newly created role. Specifically, Mr. Van Buren used these games to offset his personal debt that he owed the GRC, while the GRC earned additional profits via the rake and the collection efforts generated from the Friday night games. Furthermore, Mr. Van Buren served as an emissary for the GRC leadership by encouraging other players to increase their play while discouraging others to avoid behaviors that were perceived by Castardi as being suspicious.

**Scott Shires** is a financial advisor with the Shires Financial Group, Inc. who also provides accounting related advice to individuals and businesses. Mr. Shires allegedly supported this enterprise by handling some of the tax issues for the GRC and Mario n' Wongs, as well as advising Castardi how to make Mario n' Wongs appear financially and publically legitimate.

**Leo Pavlushkin and Darko Lukajic** are both individuals who at separate times served as the GRC's paid and armed security apparatus. Additionally, in the case of Mr. Pavlushkin, he also allegedly assisted Castardi and his associates with the collection of debts owed to the GRC.

**Pavolos Kolovos** was an individual who allowed his credit to be used by Castardi, as well as being solicited by Castardi to invest money into Castardi's "street loan" scheme.

**Leonard Gennaro** was a restaurant and bar owner who also played poker at the GRC. Mr. Gennaro entered into a business agreement with Castardi that allowed his establishment to be used in a manner to financially benefit Castardi and the enterprise. Furthermore, Mr. Gennaro funneled in excess of \$200,000 through Laura Jean Fouty's bank account for use by Castardi.

**Dan Goins** was a businessman who associated with the GRC and then helped Castardi and Elterman with an insurance fraud.

**David Lettin** is an accountant who provided tax advice to the GRC and who financed a suspicious \$20,000 loan to Castardi that was routed through Steve Jacobson's account.

**Todd Casey** was a poker player who was also a businessman who owned and operated an ATM and vending operation. Evidence was developed which showed a developing business

relationship between Casey and Castardi, which involved Gennaro's, GRC and other Castardi influenced businesses, including allegedly making and financing high interest loans that would be considered criminal usury.

**Steven Jacobson** is a friend of Castardi and a player at the GRC who introduced Castardi to the accountant David Lettin, the attorney Dan Foster, the financier James Elterman and the orthopedic surgeon Craig Loucks. Jacobson also acted as a bank for many of Castardi's financial transactions that involved various financiers and gambling debtors

## **Pattern of Racketeering Activity**

Jeffrey Castardi; Dawn Nancy Wolf, Individually and/or dba Gin Rummy Club and/or Pie-o-My, LLC, dba Mario n' Wongs; and James Elterman, Individually and/or dba JHE Realty, LLC directly and in concert, engaged in, attempted to engage in, conspired to engage in, or solicited another to engage in at least two predicate acts, including any lesser included offenses, related to the conduct of the enterprise, with at least one of which took place in the State of Colorado after July 1, 1981 and the last of the acts of racketeering activity occurring within ten years after a prior act of racketeering activity:

Prohibition of Illegal Gambling Business-18 U.S.C. § 1955

Laundering of Monetary Instruments-18 U.S.C. § 1956

Forgery-C.R.S. § 18-5-102(1)(d)

Attempt to Influence a Public Servant-C.R.S. § 18-8-306

Offering a False Instrument for Recording in the First Degree-C.R.S. § 18-5-114(1)

Professional Gambling-C.R.S. § 18-10-103(2)

Maintaining a Gambling Premises-C.R.S. § 18-10-107

Possession of a Gambling Device or Record-C.R.S. § 18-10-105

Engaging in Criminal Usury-C.R.S. § 18-15-104

Possession or Concealment of Records of Criminal Usury-C.R.S. § 18-15-108

Fraud upon the Department of Revenue-C.R.S. § 39-21-118(1)

Theft-C.R.S. § 18-4-401

Identity Theft-C.R.S. § 18-5-902

Tampering with a Witness or Victim-C.R.S. § 18-8-707(1)(a)

Tampering with Physical Evidence-C.R.S. § 18-8-610

Criminal Impersonation-C.R.S. 18-5-113(1)(c)

Unauthorized Use of a Financial Transaction Device-C.R.S. § 18-5-702

## **Racketeering Activity**

The acts of racketeering activity that the above named persons committed, attempted to commit, conspired to commit, or solicited, coerced, or intimidated another person to commit, consist of the following predicate acts, including any lesser included offenses:

## **Uncharged Predicate Act One**

#### PROHIBITION OF ILLEGAL GAMBLING BUSINESS, 18 U.S.C. § 1955

On or about May 1, 2003, and continuously thereafter up to and including December 31, 2008, in the State of Colorado, District of Colorado, the defendants, **Jeffrey Castardi, Dawn Nancy Wolf,** Individually and/or **dba Gin Rummy Club, and James Elterman** unlawfully, did conduct, finance, manage, supervise, direct and/or own all or part of an illegal gambling business, and said illegal gambling business was in violation of the laws of the State of Colorado, in which the said illegal gambling business was conducted; the illegal gambling business, during the period aforesaid, involved five or more persons, Jeffrey Castardi, Dawn Nancy Wolf, John Van Buren, Jeremy Fowler, Edward Fertig, Daniel Rieke, Bobby Salazar, William Schimel, John Gaborek, James Elterman and Laura Jean Fouty, who conducted, financed, managed, supervised, directed and/or owned all or part thereof; and the illegal gambling business remained in substantially continuous operation for a period in excess of thirty days, in violation of Title 18, United States Code, Section 1955.

The predicate act alleged in Uncharged Predicate Act One was committed in the following manner:

The Gin Rummy Club (GRC), located at 2380 S. Broadway, Denver, Colorado, was a business which served as a gambling premises for the conducting of at least two forms of gambling, most notably Texas Hold'em style poker and sports bookmaking which are illegal in the State of Colorado when conducted in a manner as discussed below. The club and its gambling operation came into existence in May 2003, was incorporated on July 8, 2003 and operated in a substantially continuous manner until April 18, 2008. As described earlier in this Indictment and incorporated by reference, the GRC's legal owner and operator was Dawn Wolf. However, the reality was that while Dawn Wolf was aware of and complicit in the GRC's general operations, her husband, Jeffrey Castardi, ran the overall comprehensive gambling operation. The Castardi centered enterprise received critical assistance from Jeremy Fowler, and later from Daniel Rieke, both of whom served as dealers and as managers for the poker, sports bookmaking and debt collection operations. John Gaborek and James Elterman each had active roles with the gambling club as financial investors in the GRC from late 2004 and it continued forward into 2008. Furthermore, according to Daniel Rieke, Elterman was also instrumental in the GRC's remodeling in early 2005. Greg Geller then stated that Elterman was involved with the GRC's operations to such an extent that he actually was upset with high roller players who were playing less at the GRC, thus costing the club some amount of income. Evidence was developed showing that Elterman invested approximately \$200,000 on April 25, 2005 with Castardi which was routed through Laura Jean Fouty, as well him investing an additional \$110,000 with Castardi in late January 2005 via two checks being written through the account of Steve Jacobson. It should be noted that these transactions were contemporaneous with when the GRC was being remodeled. Additional direct or indirect gambling management and/or dealer responsibilities were attributed to Edward Fertig, William Schimel, Bobby Salazar, John Van Buren and Laura Jean Fouty.

The general gambling scheme employed by the GRC began with the marketing of the club and the solicitation of numerous players by Castardi, Fowler, Rieke, Van Buren and others to start playing poker at GRC. The newly solicited players, who would first have to be "vouched for" prior to being allowed to play, would arrive at the GRC and were often met by one of two imposing doormen (Leo Pavlushkin or Darko Lukajic) who would use a surveillance system of cameras and monitors to detect approaching individuals. The GRC's list of players included, but was not limited to, athletes, media personalities, attorneys, physicians, realtors, entrepreneurs, and professional poker players. These players often played at the GRC instead of in the limited stakes gaming towns of Central City or Blackhawk because the stakes (potential winnings) at the GRC were significantly higher. Thus, the "rake" or financial cut for the house was also higher per each hand of poker that was played at the GRC.

Approved players were sometimes requested to pay a membership of \$250 per month via check. For the few players who actually did pay the membership fee, the money was almost automatically reimbursed to the player as cash by the GRC's leadership. Evidence was uncovered by the Grand Jury which clearly demonstrates that the membership process and the associated fee was simply a veneer or ruse that served as an attempt to create a sense of legitimacy for the GRC and to obscure its illegal professional gambling operation.

The GRC ran upwards to 3 poker tables at a time which could accommodate a maximum of 10 players per table, plus a non playing dealer. Texas Hold'em style poker was the usual game of choice at the GRC. Players would first choose or gain access to a table at the GRC, whether it was low or high stakes game and then they would "buy in" by paying for chips. The GRC, which served as "the house", ultimately instituted a credit system to manage the payment of money into and out of the GRC with its gamblers. The credit system was referred to as playing "on the book". The "book" was managed at various times by Castardi, Fowler and Rieke. Dawn Wolf was also involved in this management of the book as evidenced by her active role as an intermediary between Rieke, the day to day manager from June 2007 through April 2008, and Castardi, her husband.

Various witnesses testified before the Grand Jury and provided information about the profits that were generated by the GRC's gambling operation. As an example, Dr. John Sacha specifically testified that in the past Castardi had told him that the GRC had earned at least \$750,000 from illegal gambling related activities. Castardi then informed Sacha that he had kept 75 percent of that amount and that Jeremy Fowler kept 25 percent. Colin Gordon testified that gambling debtors, such as those from the GRC were willing to pay the "juice" or interest on debts because they believed that they could win back the principal by playing more games of poker. Mr. Rieke later testified that the income earned from illegal poker was split between Castardi and himself in a manner that was 60 percent/40 percent, with Castardi receiving the larger percentage. Mr. Rieke then stated that the sportsbook profits were a 50 percent/50 percent split between Castardi and himself with a 10 percent "vig" (interest) per bet that was paid by losing bettors.

## **Uncharged Predicate Act Two**

#### LAUNDERING OF MONETARY INSTRUMENTS, 18 U.S.C. § 1956

On or about May 1, 2003 to December 31, 2008, in the State of Colorado, District of Colorado, the defendant, **Jeffrey Castardi**, unlawfully and knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, did conduct or did attempt to conduct such a financial transaction which in fact involved the proceeds of specified unlawful activity, namely: Prohibition of Illegal Gambling Business, 18 U.S.C § 1955, knowing that the transaction is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

The predicate act alleged in Uncharged Predicate Act Two was committed in the following manner:

During the course of approximately 5 years of operation the Castardi led organization acquired substantial amounts of United States currency through its diverse illegal operations. The financial profit that was being acquired by this enterprise was primarily the result of: (1) taking a rake from illegal poker play; (2) charging a fee, interest or a "vig" on bookmaking bets and some gambling debts; (3) charging high rates of interest on "street loans" that were financed or managed by the enterprise, (4) stealing money from vulnerable businesses, such as Gennaro's, that were taken over by Castardi and his associates, and (5) manipulating money obtained from various "investors" or creditors, such as Elterman, Gaborek, Rieke, Bill Hall, Pavlos Kolvolos, Leonard Gennaro and Dr. Craig Loucks. Over a period of approximately 3 years it appears that the money which was owed to the enterprise was often times funneled and routed through various personal and business bank accounts. This money was then ultimately navigated back to Castardi in the form of cash. After the costs of conducting business were accounted for (ie. rent, insurance, utilities etc) the bulk of the money would constitute the profit that benefitted Castardi and this enterprise.

Evidence exists in the record which shows that the laundering of proceeds often began with various debtors paying Castardi and the GRC with cash. Castardi specifically told Edward Fertig that he loved cash businesses because he was able to avoid the reporting requirements usually required when operating more traditional businesses. Thus, it is a reasonable inference that this method of requesting cash payments was done at Castardi's direction so as to avoid or evade the scrutiny of law enforcement, revenue officials and banking regulators. Evidence was also established which demonstrates that numerous other debtors often paid their GRC related debts that were incurred through gambling losses or from high interest loans through checks or wire transfers into the personal bank accounts of Edward Fertig, Daniel Rieke and Laura Jean Fouty. Daniel Rieke often banked at a bank branch in Jefferson County, CO. Individual debtors, including, but not limited to, Eric Cox, Greg Geller, John Sacha and Andrew Stein, each deposited thousands of dollars into the FDIC insured bank accounts of Rieke, Fouty or Mario n' Wongs. The Grand Jury then learned that contemporaneous "structured" cash withdrawals in

amounts under \$10,000 or others consistent with the deposited checks or wire transfers were often made by Rieke and Fouty. The use of wire transfers into and out of FDIC insured institutions is but one example of interstate commerce being affected by this conduct. The large sums of cash that were withdrawn were then turned over to Castardi. Furthermore, Castardi used the bank account of Steve Jacobson to funnel thousands of additional dollars from investors, creditors and some debtors, such as James Elterman and Dr. D. Craig Loucks, which were ultimately intended for him. This method of using intermediaries was calculated by Castardi to conceal or disguise the fact that Castardi was the ultimate beneficiary of the money that was obtained from specified unlawful activities, much of it from professional gambling.

Castardi admitted to investigators that he also relied on using the credit card point of service machine at Mario n' Wongs to have indebted gamblers, such as Eric Cox, make gambling payments through the use of credit cards. This method of funneling credit card payments along with routing the various checks written by Cox through a business like Mario n' Wongs, was calculated by Castardi so that Cox's gambling related payments would appear as if they were legitimate restaurant purchases, thus avoiding any undue scrutiny by the government.

## **Charged Predicate Act Three**

#### FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about December 12, 2003, in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**, **and Jeffrey Castardi**, with the intent to defraud the City and County of Denver, Department of Excise and License, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: an application for a social room license, filed, required by law to be filed, or legally fileable in or with the City and County of Denver, Department of Excise and License, a public office or public servant; in violation of section 18-5-102(1)(d), C.R.S.

#### **Charged Predicate Act Four**

## OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE, C.R.S. 18-5-114(1) (F5)

On or about Deccember 12, 2003, and initially discovered on or about October 1, 2007, in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**, and **Jeffrey Castardi**, unlawfully, feloniously, and with intent to defraud, presented or offered a written instrument, namely: an application for a social room license, relating to or affecting real or personal property or directly affecting contractual relationships, to a public office or a public employee, namely: City and County of Denver, Department of Excise and License, with the knowledge or belief that the written instrument would be registered, filed, or recorded or become a part of the records of that public office or public employee, and knowing that the written instrument contained a material false statement or material false information; in violation of section 18-5-114(1), C.R.S.

## **Charged Predicate Act Five**

## ATTEMPT TO INFLUENCE A PUBLIC SERVANT, C.R.S. 18-8-306 (F4)

On or about December 12, 2003 through February 26, 2004, in the State of Colorado, **Dawn Nancy Wolf,** Individually and/or **dba Gin Rummy Club, and Jeffrey Castardi,** unlawfully and feloniously attempted to influence Eileen Muench and/or Stephanie Y. O'Malley, each a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

The predicate acts alleged in Charged Predicate Acts Three, Four and Five were committed in the following manner:

The genesis of the Gin Rummy Club began in May 2003 when Dawn Wolf entered into a lease with Melvin and Dennis King to ultimately operate the GRC at 2380 S. Broadway in Denver, CO. Contemporaneously with this action by Dawn Wolf, her husband, Jeffrey Castardi, applied for a Use Permit with the City and County of Denver's Department of Zoning Administration identifying himself as the owner of the "Ginrummy", a business seeking a change to or desiring the establishment of a new use for the building.

However in July 2003, based on the calculated decision by Castardi and/or because of his legal inability, Dawn Wolf took the affirmative step of incorporating the GRC as a non-profit in the State of Colorado. Then in December 2003, Dawn Wolf, with the complicit involvement of Jeffrey Castardi, completed and then filed an Application for Social Room, Dance Hall and After-Hours Restaurant License with City and County of Denver's Department of Excise and License. Evidence was developed by the Grand Jury which demonstrated that because of a conscious decision by Jeffrey Castardi, Dawn Wolf was used by him as the willing applicant for this license. Castardi also used the identity and clean criminal history of Edward Fertig to be listed in the answer to question 6 as being the responsible active manager and supervisor who would control the business. This fact of listing Mr. Fertig on the publically filed document in late 2003 into early 2004 as being the business' responsible party was the initial material false statement contained in the document because Mr. Fertig did not become a GRC employee, let alone a manager until late 2004. In fact Fertig did not become actively involved with the GRC until well after Wolf had actually applied for and received the license.

The application itself contained additional material false statements that were designed to be relied on by officials with the City and County of Denver. Regarding question 10 which asks whether the business (GRC) was to be organized and operated for profit, Ms. Wolf expressly answered "No". Contrary to Ms. Wolf's stated answer in question 10 the Grand Jury developed evidence which clearly shows that the primary and almost exclusive purpose for the GRC's existence was to be a for-profit generating entity for the enterprise. The answer to question 11 that the GRC's non-profit purpose was to be a "membership based social club" was also

disproven during the course of the Grand Jury's investigation based on the sworn testimony of Edward Fertig, Daniel Rieke and other sworn witnesses.

Additional material false statements included Ms. Wolf's answer in question 13 when she failed to list her husband, Jeffrey Castardi, or anyone else as being a person who "now, or will, have a financial interest, ... in the business..." when she expressly wrote "None." This fact was corroborated by Mr. Castardi's repeated statements to witnesses such as Edward Fertig and Daniel Rieke about needing other people, such as his wife, to be listed on this license instead of him because of the past.

Next, Ms. Wolf's answer to question 16 about due paying members and the monthly amount of the dues was also refuted by multiple witnesses who provided sworn testimony that the collection of monthly membership dues was a simple ruse that was only designed to provide an appearance that members paid dues. The evidence in the record demonstrated that the few players who actually did pay dues almost always received \$250.00 cash back after they had written checks to the GRC for \$250.00 per month. Daniel Rieke then testified that only a limited amount of checks were actually collected from a few players for \$250.00 per month so that at the end of each year the manipulated accounting would reflect the amount of declared revenue so that it would be more consistent with the minimal amount of expenses actually incurred by GRC. Thus, by answering the question in this manner Ms. Wolf deceptively created the appearance that the stated non-profit status of the GRC could appear to be legitimate.

Ms. Wolf next answered question 18 by concealing from the City and County of Denver officials that illegal gambling, including poker and sportsbook betting, would be the primary activities permitted and conducted at the GRC. Finally, Ms Wolf also agreed by filing this document that pursuant to the Denver Revised Municipal Code the GRC would not have any device that allowed for persons inside the premises (GRC) to see outside, but does not allow persons outside the premises to see inside. Again evidence was put into the record which showed that cameras and video monitors were used by the GRC to see outside while any person on the outside would be unable to look inside.

On February 26, 2004 Ms. Wolf, with the assistance of attorneys Michael Huttner and Dudley Morton, appeared before Hearing Officer Eileen Muench of the City and County of Denver and testified under oath that she was the owner and operator of the GRC, a nonprofit corporation. Ms. Wolf also testified that she had invested at least \$40,000.00 from her own personal funds into the GRC. This fact was corroborated by Ms. Wolf's notarized statement attesting to the fact that she did invest \$43,000 of personal funds into the GRC. Mr. Morton also notarized this attestation. Ms. Wolf's purpose of appearing in this official proceeding and testifying was done in defense of the GRC's December 12, 2003 application which sought a Standard Social Room License. Based on all of Ms. Wolf's answers that were stated in the application, coupled with the evidence presented in the sworn hearing, Hearing Officer Muench relied on Ms. Wolf's information and recommended that the GRC application be approved. Furthermore, on February 26, 2004 Stephanie Y. O'Malley, the Director of Excise and Licenses for the City and County of Denver, also relied on this information and subsequently issued a Social Club License for the benefit of the GRC, Dawn Wolf and Jeffrey Castardi.

## **Charged Predicate Act Six**

## ENGAGING IN PROFESSIONAL GAMBLING, C.R.S. 18-10-103(2) (M1)

On or about May 1, 2003 through December 31, 2008 in the State of Colorado, **Jeffrey Castardi, Dawn Nancy Wolf,** Individually and/or **dba Gin Rummy Club and James Elterman** unlawfully engaged in professional gambling; in violation of section 18-10-103(2), C.R.S.

## **Uncharged Predicate Act Seven**

#### POSSESSION OF A GAMBLING DEVICE OR RECORD, C.R.S. 18-10-105(1) (M2)

On or about May 1, 2003 through December 31, 2008 in the State of Colorado, **Jeffrey Castardi and Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club** unlawfully owned, manufactured, sold, transported, possessed or engaged in any transaction designed to affect the ownership, custody or use of a gambling device or gambling record, knowing that it is to be used in professional gambling; in violation of section 18-10-105(1), C.R.S.

#### **Uncharged Predicate Act Eight**

#### MAINTAINING GAMBLING PREMISES, C.R.S. 18-10-107(1) (M3)

On or about May 1, 2003 through April 18, 2008, in the State of Colorado, **Jeffrey Castardi**, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**, and **James Elterman**, as owner, lessee, agent, employee, operator or occupant knowingly maintained, aided or permitted the maintaining of a gambling premises; in violation of section 18-10-107(1), C.R.S.

The predicate acts alleged in Charged Predicate Act Six and Uncharged Predicate Acts Seven and Eight occurred in the following manner:

The previous factual statements summarizing the Enterprise as well as the previous predicate acts in this Indictment are incorporated by reference to describe the alleged acts cited above. Furthermore, evidence was placed into the record which shows that Dawn Wolf received various gambling records from Daniel Rieke on her home computer that she in turn was directed to forward to Jeffrey Castardi. According to witnesses, Wolf, as the GRC's legal owner, was sometimes at the GRC when games were occurring, was aware of the rake, was responsible for paying many of the GRC's bills and she filed the GRC's tax returns. Ms. Wolf was also one of the few individuals who actually wrote monthly membership checks in the amount of \$250.00. Evidence was also established which showed that Ms. Wolf was sometimes present when the reconciliation of daily gambling records was taking place between Castardi and Rieke. Finally, evidence was presented that records summarizing the daily gambling activities at the GRC were kept by Fowler and Rieke for the benefit of the GRC and Castardi. These records were then often shredded by the GRC and its leadership on a daily basis.

## **Charged Predicate Act Nine**

## ENGAGING IN CRIMINAL USURY, C.R.S. 18-15-104(1), (F6)

On or about May 1, 2003 through December 31, 2008, in the State of Colorado, **Jeffrey Castardi**, knowingly charged, took, or received any money or other property as a loan finance charge where the charge exceeds an annual percentage rate of forty-five percent or the equivalent for a longer or shorter period; in violation of section 18-15-104(1), C.R.S.

#### **Charged Predicate Act Ten**

# POSSESSION OR CONCEALMENT OF RECORDS OF CRIMINAL USURY, C.R.S. 18-15-108(1), (F6)

On or about May 1, 2003 through December 31, 2008, in the State of Colorado, **Jeffrey Castardi**, possessed or concealed any writing, paper, instrument, or article used to record criminally usurious transactions, and who knows or has reasonable grounds to know that the contents have been used or are intended to be used to conduct a criminally usurious transaction, or who possessed or concealed such instruments with intent to aid, assist, or facilitate criminal usury; in violation of section 18-15-108(1), C.R.S.

The predicate acts alleged in Charged Predicate Acts Nine and Ten occurred in the following manner:

During the time period alleged above Jeffrey Castardi held himself out as the primary orchestrator of a complex scheme of making, financing and collecting on loans involving debtors who took out loans that were called "street loans." These debtors would then be required to ultimately pay creditors or financiers interest payments at extremely high rates on a weekly basis that actually exceeded an annual percentage rate of forty-five percent or its equivalent for shorter or longer time periods. It is alleged within the record that some of the creditors and/or financiers for these "street loans" included people such as Todd Casey, Daniel Rieke and of course Castardi himself. Evidence was developed which demonstrated that while the GRC/Castardi focused enterprise earned a sizeable amount of illicit income from illegal gambling, Castardi realized that the usurious rate of interest that he could charge from these "street loans" was a more significant source of additional illicit revenue.

Debtors who took out these high interest loans included, but were not limited to, Greg Geller, John Van Buren, Dan Dunne and Andrew Stein. Grand Jury Exhibit #75 which was admitted and made part of the record serves as a prime example of how these "street loans" worked. The exhibit was deciphered and described by Daniel Rieke while he testified under oath that this Jeffrey Castardi written document basically summarized four separate high interest loans that were active around April 2008. These loans were for Geller, Van Buren and Dunne. The document itself included the name of the debtor, the principal owed, the weekly interest payment or the total due, as well as when the payment was due. Mr. Rieke specifically provided testimony that he actually served as Castardi's intermediary in the management and collection of weekly interest payments in the Dan Dunne "street loan." This loan was only active for about 5

weeks prior to the GRC being shut down by law enforcement on April 18, 2008. However, Mr. Dunne had already made sizeable weekly interest payments in cash to Rieke who in turn provided the money to Castardi. According to Rieke it was Castardi's habit and custom that none of the interest payments that were paid through Rieke counted against any of the principal owed to Castardi. Mr. Dunne then testified and confirmed that he did in fact take out one of these high interest loans with a principal of \$6000. He believed that his weekly interest rate was paid at \$250-\$275 per week through Rieke over a course of multiple weeks. GJ exhibit #75 lists that Mr. Dunne's weekly interest payments were supposed to be at \$350. Furthermore, Dunne then remembered that Castardi actually came to his business after the GRC was shut down by law enforcement in April 2008 and demanded \$2000 to settle up on the loan because Castardi stated that he had accrued legal related costs.

Greg Geller provided sworn testimony that when Castardi lent money he would charge at least 5 percent interest per week that had to be paid on a weekly basis. Castardi's pattern of behavior was to not "bug" the debtor for the principal, but rather that he expected weekly interest payments from the debtors. Geller stated that Castardi would often call him on the telephone or text him as attempts to collect these weekly payments. Geller then said that if he did not answer the phone, Castardi would show up at his house. Geller also stated that if he was late on making his weekly interest payment Castardi would then put "juice" (an additional payment) on top of the already high rate of interest. Geller went on to describe examples of multiple "street loans" that were financed or arranged by Castardi. One incident occurred when he received \$40,000 in cash directly from Castardi near a Barnes and Noble store on Colorado Boulevard that was done with \$100 bills. No paperwork was completed or exchanged, but the interest rate was set at 5% per week. In August 2007, Geller recounted borrowing \$20,000 from Castardi that was transferred via a magazine at a nail salon near Leetsdale in Denver. In this particular transaction, Geller actually received just \$13,000 in cash because the rest of the \$20,000 was to pay off a \$5000 poker debt and \$2000 in previously accrued interest payments. Of the remaining \$13,000 owed to Castardi, Geller testified that he made the 5 percent weekly interest payments with cash to Castardi for approximately 30 weeks until March 2008. 5% of \$13,000 is \$650. Thus, when calculated out, if Geller paid hundreds of dollars per week (approximately \$650 per week) for 30 weeks, he then would have paid thousands of dollars (approximately \$19,500) in interest payments on a \$13,000 loan before ever making the one time, lump sum principal payoff. These figures are in excess of the 45 percent per annum or its equivalent for a longer or shorter period of time.

Geller also testified about a 2006 "street loan" that was arranged by Castardi but which was financed by Todd Casey. He stated that this time he received \$60,000 in cash. The unusual aspect about this "street loan" was that Todd Casey wanted a written note executed for this transaction. Geller testified that Grand Jury Exhibit # 36 was a copy of the note, but that the written terms in the note were not the truth. Geller stated that he actually made approximately 13 weeks of interest payments at 5 percent per week on the \$60,000 (that being \$3000 per week) because he was late in making his one time principal payoff. Therefore, based on Geller's testimony, in the end after 13 weeks he would have ultimately paid close to \$39,000 in interest on a \$60,000 loan for a total payback approaching \$99,000-\$100,000. Geller then testified that after he had paid off the principal on this particular loan to Castardi he was asked by Castardi to meet Castardi and Casey at a Starbucks next to Mario n' Wongs in an attempt to deceive Casey

into thinking that he (Geller) would actually pay the money back to Casey. From this fact it is a reasonable inference that Castardi likely pocketed some of the now completed Geller payments for himself instead of paying off Casey. This meeting and its purpose is further corroborated by Mr. Rieke's testimony that Castardi had also asked Rieke to help him to separately deceive Casey by creating a ficticious document listing restaurants and bars with ties to Casey and Castardi in an attempt to make Casey believe that he was being investigated by prosecutors and law enforcement. Rieke also testified that Castardi had told him that Casey did extend money to Castardi for the purpose of loaning it out to other individuals.

Geller finally stated that at least 90 percent of the time he paid Castardi the interest payments on these "street loans" in cash and when he did pay off his principal he would often repay it through the FDIC insured personal bank account of Laura Jean Fouty. This was done at Castardi's direction. However, on one occasion he actually paid off a principal amount directly to Dawn Wolf, as well as making at least one interest payment to her that was intended for Castardi.

Mr. Rieke further explained that Castardi kept detailed records of each usurious loan and its subsequent payments in a book that Castardi called the "Shylock book." According to Rieke, as of April 18, 2008, this "Shylock book" was most recently stored in the safe at Mario n' Wongs. As previously discussed, Mr. Rieke did testify that the Castardi handwritten document that was admitted as Grand Jury Exhibit # 75 basically served as a less detailed example of the complete "Shylock book."

Another person with knowledge of Castardi's involvement with street loans was Pavlos Kolovos. Kolovos had met Castardi through Rieke and described Castardi as being a "loan-shark" who lent out money at high interest rates. Kolovos once was told by Castardi that there was "lots of money to be made" or that he knew "how to make money." The Grand Jury also learned that Castardi used Kolovos' credit and got Kolovos to invest approximately \$45,000.00 that was to be pooled with other money to be loaned out to others by Castardi. Two other people, Garth Yettick and Francois Saffediene, were approached by Castardi and solicited by him to finance these "street loans". Castardi specifically sought \$50,000.00 from Yettick in 2006 with a promised return of 10% per month. Saffediene was promised interest or juice in return for his investment, but in the end he never invested money with Castardi.

#### **Charged Predicate Act Eleven**

## ATTEMPT TO INFLUENCE A PUBLIC SERVANT, C.R.S. 18-8-306 (F4)

On or about February 9, 2006, in the State of Colorado, **Jeffrey Castardi**, unlawfully and feloniously attempted to influence Richard A. Wehmhoefer and/or Stephanie Y. O'Malley, both public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

#### **Charged Predicate Act Twelve**

## CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about February 9, 2006 and initially discovered on or about October 1, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Jeff Wolf, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

The predicate acts alleged in Charged Predicate Acts Eleven and Twelve occurred in the following manner:

In February 2006, Leonard Gennaro, the listed owner and operator of Gennaro's Restaurant and Lounge, allowed Jeffrey Castardi to inject himself into the day to day operation of the business as an "owner." During this same time period Gennaro applied for a Cabaret license with the Department of Excise and License for the City and County of Denver. On February 9, 2006, Castardi attended a hearing that was presided over by Richard Wehmhoefer. During this hearing, Castardi testified before Hearing Officer Wehmhoefer first claiming to be a resident of the the South Broadway neighborhood and doing so as "Jeff Wolf" instead of using his real and legal name. Castardi's use of "Wolf'as his alias is reflected in Hearing Officer's Wehmhoefer's Recommended Decision in paragraph 6. Daniel Rieke and Leonard Gennaro also independently recollect Castardi using "Wolf" as a ficiticious name during this hearing. Evidence was further presented that Castardi often used the ficticious last name of Wolf when it was beneficial to him and his various interests, such as having Gennaro's be more financially viable for himself because of what a Cabaret license might provide. In the end, Hearing Officer Wehmhoefer apparently relied on a variety of information, including the testimony of Castardi, who also fraudulently represented himself as a resident of the South Broadway neighborhood, to issue a written opinion by deciding to recommend that Stephanie Y. O'Malley, the Director of Excise and Licenses for the City and County of Denver, should approve Gennaro's application for a dance cabaret license. Ms. O'Malley in turn relied on the above stated information and ultimately issued the license, which benefitted Gennaro's and Castardi himself.

#### **Charged Predicate Act Thirteen**

## FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about June 2, 2004 through July 16, 2004, in the State of Colorado, **Dawn Nancy Wolf** did with the intent to defraud the United States Bankruptcy Court, District of Colorado, the U.S. Trustee and/or Dawn Nancy Wolf's various creditors, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: a Voluntary Petition and the accompanying Statement of Financial Affairs and Schedules, filed, required by law to be filed, or legally fileable in or with the United States Bankruptcy Court, District of Colorado, and/or the U.S. Trustee, both public offices or public servants; in violation of section 18-5-102(1)(d), C.R.S.

## **Charged Predicate Act Fourteen**

## ATTEMPT TO INFLUENCE A PUBLIC SERVANT, C.R.S. 18-8-306 (F4)

On or about June 2, 2004 through November 19, 2004, in the State of Colorado, **Dawn Nancy Wolf**, did unlawfully and feloniously attempted to influence Judge Michael Romero of the United States Bankruptcy Court, District of Colorado and/or Tom Connelly, a U.S. Trustee, both public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

The predicate acts alleged in Charged Predicate Acts Thirteen and Fourteen occurred in the following manner:

The factual summaries which previously described the Enterprise and other Predicate Acts in this Indictment are incorporated by reference in this factual summary. Additionally, on June 2, 2004 Ms. Wolf filed for Chapter 7 Bankruptcy protection in Colorado. Specifically, Ms. Wolf filed a Voluntary Petition with a Statement of Financial Affairs and Schedules with the assistance of attorney Dudley Morton who had an office on Bannock Street in Denver, CO. This filing occurred only one year after the GRC was incorporated in the State of Colorado with Ms. Wolf as its sole corporate officer and director and only four (4) months after Ms. Wolf applied for and received the Social Club license in Denver on behalf of the GRC. Dudley Morton, the attorney in Ms. Wolf's personal bankruptcy proceeding, was also one of the GRC's two attorneys during the Social Club license application and hearing process. In fact Mr. Morton even notarized a key document for Ms. Wolf which was filed during this administrative process in which she stated that she invested \$43,000 from her personal funds in to the GRC. Therefore it is a reasonable inference that Mr. Morton had an acute awareness of the GRC and Ms. Wolf's critical role as the GRC's sole corporate officer and director at the time of the bankruptcy filing.

In June 2004, Ms. Wolf, as an individual debtor, was specifically asked in question 18a of her Statement of Financial Affairs to "...list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation ... within **six years** immediately preceding the commencement of this case, ..." To this question Ms. Wolf answered by expressly checking the block which stated "None." This answer is contradicted by the evidence that was presented to the Grand Jury regarding Ms. Wolf's ongoing legal role with the GRC. Furthermore, Ms. Wolf was not truthful with other answers that she made in response to other questions asked of her in the Schedule B-Personal Property. For example, in question 8 of this Schedule B, Ms. Wolf denied owning any firearms in July 2004. However, evidence exists that Ms. Wolf expressly bought a Taurus R352 .38 cal. revolver on February 24, 2003 that was ultimately recovered by law enforcement from Gennaro's Restaurant and Lounge on April 18, 2008, as well as buying an HS Products (IM metal) XD40 .40 cal. Pistol on February 16, 2003 that was recovered at her home in Denver on April 18, 2008.

Ms. Wolf was also asked in her Schedules A and B additional questions regarding other types of real and personal property, such as office items that she may have an interest in. Even though Ms. Wolf reported to Hearing Officer Muench on February 26, 2004 that she had invested around \$40,000 from her personal funds into the GRC for renovations and furniture, she failed to list this investment, along with the lease damage and security deposit for her corporation, the GRC, as assets for the purposes of accurately detailing information in her bankruptcy petition.

Bankruptcy Judge Michael Romero and U.S. Trustee Tom Connelly were likely presented with this information by Ms. Wolf, with the assistance of Dudley Morton, with the intent that these public servants might rely on the documentation and its contents as Ms. Wolf attempted to have her debts owed to specified creditors discharged by the Court. Furthermore, this fraud was completed so that a true understanding of the GRC, its assets/accounts receivables and Ms. Wolf's association with this entity would have remained unknown to the Bankruptcy Court, its associated officials and to Ms. Wolf's creditors.

## **Charged Predicate Act Fifteen**

#### FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about May 25, 2005 in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club** with the intent to defraud the United States Government, the Internal Revenue Service and/or the Colorado Department of Revenue, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: a 990-EZ Return of Organization Exempt from Income Tax for the 2004 tax year, filed, required by law to be filed, or legally fileable in or with the Internal Revenue Service, a public office or public servant; in violation of section 18-5-102(1)(d), C.R.S.

#### **Charged Predicate Act Sixteen**

## FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about December 20-21, 2007 in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club** with the intent to defraud the United States Government, the Internal Revenue Service and/or the Colorado Department of Revenue, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: a 990-EZ Return of Organization Exempt from Income Tax for the 2006 tax year, filed, required by law to be filed, or legally fileable in or with the Internal Revenue Service, a public office or public servant; in violation of section 18-5-102(1)(d), C.R.S.

The predicate acts in Charged Predicate Acts Fifteen and Sixteen occurred in the following manner:

On or about May 25, 2005 Dawn Wolf in her corporate capacity as the President for the GRC completed and signed a 990-EZ Return of Organization Exempt From Income Tax for the 2004 and 2006 tax years. The 2004 return had been prepared by an accountant named David Lettin who had an office in the City of Centennial, Arapahoe County, Colorado. The 2006 return was prepared by Scott Shires who had an office in Aurora, Arapahoe County, Colorado. Evidence was established through a variety of sources, including through the testimony of Edward Fertig, Daniel Rieke, Laura Jean Fouty and others that the GRC was a for-profit entity during 2004 and in 2006. Furthermore, GRC employees such as Fertig, Rieke, Fouty, Bobby Salazar, Jeremy Fowler and Jeffrey Castardi were each receiving direct financial compensation, salaries and/or employee benefits based on their work at or for the GRC as it operated as an illegal professional gambling business. Ms. Wolf also benefitted from the profits generated from the GRC's operation as the spouse of Castardi.

An analysis of the GRC's 2004 return shows examples of materially false information and omissions made, completed or uttered by Ms. Wolf. The first example is in Part I of the return in which Ms. Wolf claims that the only revenue earned by the GRC was from "Membership dues and assessments". Evidence was established from multiple sources testifying before the Grand Jury which showed that the membership fee was simply a ruse because the few people who actually wrote checks to the GRC in the amount of \$250.00 per month actually received \$250.00 back in cash at about the same time. This was done so that on paper it would appear that the GRC only earned \$41,000 in revenue. According to Daniel Rieke the routine at the GRC was to have the reported revenue closely balance out the reported expenses so that the GRC would look as if it was simply a non-profit. Another fraudulent statement attributed to Ms. Wolf is that she claimed that no expenses were incurred by the GRC as "salaries, other compensation, and employee benefits." As discussed above and throughout this Indictment, various employees confirmed that they had actually earned income as a result of their labors at the GRC.

An analysis of the GRC's 2006 return shows further examples of materially false information and omissions made, completed or uttered by Ms. Wolf. Again Ms. Wolf, with the assistance of Mr. Shires, states that in 2006 the GRC only took in \$26,652 in revenue via "Membership dues and assessments." As previously discussed the membership program of \$250.00 via checks was a simple ruse. Furthemore, this figure does not account for the rake or the interest earned from the gambling operation (poker and bookmaking). Additionally, the tax return omits any information regarding expenses attributed to salaries, other compensation and employee benefits. As previously discussed various workers at the GRC reported that they did earn income, or received compensation and benefits during 2006. Ms. Wolf continues with her false statements by claiming that GRC's exempt purpose was, "Services for members" and to "Operate a place that is supported by the dues, fees and assessements of the members for the pleasure and recreation of the membership."

Also in both the 2004 and 2006 returns, Ms. Wolf again does not list Jeffrey Castardi, even though the returns ask that the names and addresses of certain individuals, including "key employees" be listed on these documents. The materiality of this omission is evidenced by the consistent pattern of how this enterprise operated. Specifically, while Castardi was the integral

day to day leader of the GRC, his name and role were purposefullly hidden from public scutiny as part of a systematic scheme to operate illicitly.

## **Charged Predicate Act Seventeen**

#### TAMPERING WITH A WITNESS OR VICTIM, C.R.S. 18-8-707 (F4)

On or about April 18, 2008 to November 7, 2008, in the State of Colorado, **Jeffrey Castardi**, unlawfully, feloniously, and intentionally attempted, without bribery or threats, to induce Laura Jean Fouty and/or Pavlos Kalovos, both witnesses, victims, or persons Jeffrey Castardi believed would be called to testify as a witness or victim in an official proceeding or who might be called to testify as a witness or victim in any crime to testify falsely or unlawfully withhold any testimony, in violation of section 18-8-707, C.R.S.

The predicate act alleged in Charged Predicate Act Seventeen occurred in the following manner:

In the days and weeks leading up to the April 18, 2008 execution of various search warrants at the GRC, the Castardi/Wolf home, Gennaro's, Mario n' Wongs and of Castardi's Range Rover, the Statewide Grand Jury had issued a series of Subpoenas Duces Tecum (SDT) to various financial institutions compelling them to provide documents related to the GRC and Castardi centered enterprise. On April 10, 2008, CBI Agent Mark Rule was at Mario n' Wongs and observed Jeffrey Castardi to be in possession of what appeared to be a copy of Grand Jury SDT. Specifically, Agent Rule saw and heard Castardi having a phone conversation with an unidentified person while he was discussing the contents of the Grand Jury issued SDT. On April 10 and 11, 2008, John Gaborek later confirmed to Attorney General Investigator Clyman that Castardi was "nervous" that the SDT's, which had been received in the mail by Gaborek, might be related to something else. Copies of the SDTs were presumably sent to Gaborek by the financial institutions after they had been served with the SDTs and had been requested to not share this information with Gaborek, the account holder. Investigator Clyman then attempted to contact Castardi. Therefore, from that point forward, it is a reasonable inference that Castardi was then aware that the Statewide Grand Jury was investigating some issues relating to Mario n' Wongs, if not to the enterprise as a whole.

As described earlier in this Indictment, Pavlos Kalovos had met Castardi through Daniel Rieke. Kolovos had allowed his credit to be used by Castardi so that a Range Rover could be leased and used by Castardi. Sometime following the April 18, 2008 search warrant executions but before Kolovos was interviewed by Grand Jury investigators on August 20, 2008, Castardi told him that the police might come and talk to him. Kolovos was told by Castardi that law enforcement would know about the Range Rover because the paperwork was easy to follow. But Castardi then stated to Kolovos that as far the other stuff (i.e. monetary investments by Kolovos to Castardi) the police did not need to know about these matters.

Laura Jean Fouty testified before the Grand Jury on November 7, 2008 and stated that sometime between the April 18, 2008 search warrant and November 7, 2008 she was instructed by Castardi on what to say to investigators regarding certain aspects of Castardi's enterprise. Specifically, Castardi told Fouty that she was to tell investigators and whoever else was questioning her, including but not limited to the Grand Jury, that when the money in her bank account was then withdrawn by her it would have been given right back to the same depositor. Fouty said that what Castardi wanted her to say was not the truth.

Therefore, it is a reasonable inference that based on a variety of factors, including but not limited to, Castardi knowing that the State Grand Jury was issuing SDTs and that law enforcement officers from the Denver PD, the Colorado Bureau of Investigation and from the Attorney General's office had executed five (5) search warrants on April 18, 2008, that Castardi was fully aware that one or more witnesses might be called to testify in an official proceeding about the criminal behavior attributed to this enterprise. Specifically, Castardi conciously intended that both Fouty and Kolovos would refrain from testifying about Castardi's money flow from the enterprise's illicit behaviors.

## **Charged Predicate Act Eighteen**

#### THEFT - \$20,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 23, 2007 to December 12, 2008, in the State of Colorado, **Jeffrey Castardi and James Elterman**, Individually and/or **dba JHE Realty**, **LLC** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money as paid out in the form of insurance proceeds, of Travelers Insurance, with the value of twenty thousand dollars or more, without authorization, or by threat or deception, and intended to deprive Travelers Insurance permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

#### **Charged Predicate Act Nineteen**

#### THEFT - \$20,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 23, 2007 to December 12, 2008, in the State of Colorado, **Jeffrey Castardi and James Elterman** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money as paid out in the form of insurance proceeds, of the Chubb Group of Insurance Companies, with the value of twenty thousand dollars or more, without authorization, or by threat or deception, and intended to deprive Chubb Insurance permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

#### **Charged Predicate Act Twenty**

#### THEFT - \$20,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about January 14, 2008 through December 12, 2008, **Jeffrey Castardi and James Elterman**, Individually and/or **dba JHE Realty**, **LLC** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: a 2003 Mercedes-Benz SL500 automobile, of Travelers Insurance, with the value of twenty thousand dollars or more, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Travelers Insurance of its use or benefit; in violation of section 18-4-401(1)(b),(2)(d), C.R.S.

## **Charged Predicate Act Twenty-One**

## TAMPERING WITH PHYSICAL EVIDENCE, C.R.S. 18-8-610(1)(a) (F6)

On or about December 23, 2007 through December 12, 2008, in the State of Colorado, **Jeffrey Castardi** believing that an official proceeding was pending or about to be instituted, and acting without legal right or authority, unlawfully and feloniously destroyed, mutilated, concealed, removed, or altered physical evidence with intent to impair its verity or availability in the pending or prospective official proceeding; in violation of section 18-8-610(1)(a), C.R.S.

The predicate acts alleged in Charged Predicate Acts Eighteen through Twenty-One occurred in the following manner

In December 2007, James Elterman and his business JHE Realty, LLC, owned a 2003 Mercedes-Benz SL 500 roadster automobile, VIN: WDBSK75F93F027674 with a Colorado license plate of 678 EAC, which was insured by Travelers. During this investigation Daniel Rieke informed law enforcement that an alleged insurance fraud had been perpetrated by Jeffrey Castardi, Jim Elterman and Dan Goins which involved Elterman's Mercedes. Investigators then learned that Elterman had in fact reported that his roadster and its contents had been stolen. Specifically, on December 24, 2007 at 2:20 pm, Elterman reported to the Denver PD and to his insurance companies (Traveler's for the car and the Chubb Group of Insurance Companies for the car's contents) that his car, valued at least at \$50,000.00, had been stolen off the street in the area of 218 N. Steele St. in the Cherry Creek North area of Denver sometime after 7:30 pm on December 23, 2007. Elterman later claimed that this car included items such as a 14 kt white gold diamond Circle of Life necklace with 39 stones, custom clothing, two Toshiba laptop computers with a model number of 5205-S7, a Sony mini flat camera and a set of custom golf clubs, with a cumulative value in excess of \$20,000.00.

On December 12, 2008 investigators Clyman, O'Bannon and Gagliardi met with Dan Goins. Mr. Goins admitted to his involvement in the insurance fraud scam and took the investigators to 26214 Seitz Rd., Kittredge, Jefferson County, CO where they recovered an undamaged Merecedes-Benz SL 500, VIN: WDBSK75F93F027674 with a Colorado license plate of 678 EAC, which was hidden in a garage. Mr. Goins admitted that he had been approached by Castardi in December 2007 and solicited to take this car from the area around the GRC and "to

get rid of it." Goins was told by Castardi where the car was parked (near the GRC) and where the key fob would be located. Goins then stated that he initially hid the car at his automobile business which is located next door to the GRC on S. Broadway in Denver. Goins then took the car to his girlfriend's home in the foothills near Kittredge. Goins also stated that nothing was in the car, including items such as packages. After hiding the car in this garage, Goins' girlfriend then drove him back to the Denver area. Goins then gave the key fob back to Castardi.

Ultimately, Elterman filed two insurance claims, one for the car and the other for the contents. Elterman continued with his role in the scheme when he provided Travelers with two key fobs, presumably after receiving one set from Castardi who had gotten the key fob back from Goins. Elterman also filed a written Affidavit of Vehicle Theft with Travelers. Both of the claims were then paid out to Elterman by the insurance companies, with each claim being in excess of \$20,000.00. After Travelers Insurance paid off Elterman's claim in excess of \$50,000.00 for the Mercedes, the car then became the property of Travelers. Goins subsequently was supposed to receive \$1000.00 from Castardi for his effort, after Castardi stated to him that "the insurance paid off."

An examination of phone records that were available to investigators showed that three calls occurred between Castardi and Elterman from 4:38 pm to 5:09 pm on December 23, 2007. Then Goins received a call from Castardi at around 7:58 pm on December 23, 2007 and another call at 9:13 pm on the same date. The documented phone calls between Goins and Castardi are consistent with Goins' version which he provided to investigators on December 12, 2008.

On January 21, 2009, Grand Jury Investigators executed a Search Warrant at James Elterman's Cherry Hills Village home in Arapahoe County, CO. Items seized included a white gold diamond Circle of Life necklace with 39 stones, a Toshiba laptop computer with a model number of 5205-S7, and various designer clothing items all consistent with some of the items which were reported stolen. Also, a third working key fob for the Mercedes in question was also collected from Elterman's home during this search.

#### **Charged Predicate Act Twenty-Two**

#### THEFT - \$1,000-\$20,000 - SERIES, C.R.S. 18-4-401(1),(4) (F4)

On or about August 21, 2007 to December 13, 2007, in the State of Colorado, **Jeffery Castardi** and Dawn Nancy Wolf unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: multi-media items, equipment and components, including a 61" Television, and a Bose surround sound system, and the equivalent cash value of other items, equipment and components, of Circuit City and/or John Gaborek, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Circuit City and/or John Gaborek permanently of its use or benefit; in violation of section 18-4-401(1)(a),(4), C.R.S.

## **Charged Predicate Act Twenty-Three**

#### IDENTITY THEFT - C.R.S. 18-5-902(1)(b),(f) (F4)

On or about August 21, 2007 through December 13, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly possessed or attempted to possess the personal identifying information, financial identifying information, or financial device of John Gaborek without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; in violation of section 18-5-902(1)(b),(f), C.R.S.

## **Charged Predicate Act Twenty-Four**

# <u>UNAUTHORIZED USE OF A FINANCIAL TRANSACTION DEVICE - \$1,000 - \$20,000, C.R.S. 18-5-702(1),(3)(c) (F5)</u>

On or about August 21, 2007 through December 4, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully and feloniously used a financial transaction device, namely: a Circuit City credit card assigned to an account holder of John Gaborek, for the purpose of obtaining cash, credit, property, or services, or for making financial payment, with intent to defraud, and with notice that the use of the financial transaction device was unauthorized by either the issuer thereof or the account holder, and the value of the cash, credit, property, or services obtained or of the financial payments made was one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-5-702(1),(3)(c), C.R.S.

## **Charged Predicate Act Twenty-Five**

## CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about December 13, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Mr. Gaborek, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

#### **Charged Predicate Act Twenty-Six**

#### CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about December 13, 2007, in the State of Colorado, **Dawn Nancy Wolf** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Mrs. Gaborek, and in such identity or capacity did an act with intent to unlawfully gain a benefit for herself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

The predicate acts alleged in Charged Predicate Acts Twenty-Two through Twenty-Six occurred in the following manner:

John Gaborek, as previously discussed in this Indictment, was a poker player who had invested thousands of dollars through Castardi in exchange for some unspecified role with the GRC and Gennaro's. Then in late 2006 and early 2007 Gaborek entered into an agreement with Jeffrey Castardi which was supposed to give him a siginificant ownership interest in what was believed to be a legitimate venture, Mario n' Wongs (Pie-o-My. LLC). Castardi told Gaborek, whose credit had been used by Castardi and Wolf to acquire vehicles, that Gaborek was to be, "... the legit guy in this operation." As part of this agreement, Gaborek was to invest \$42,000.00, plus he was asked to obtain and/or allow Castardi to use a Home Depot credit card and a Circuit City credit card for purchases related to a remodel of Mario n' Wongs. Gaborek agreed that the cards could be used for the specific benefit of the restaurant. Andrew Stein and Scott Shires were brought in to provide professional legal and accounting services to Castardi and Wolf as they embarked on the Mario n' Wongs venture. In the case of Shires, he was referred to Castardi by Elterman. With this foundation in place Gaborek initially believed that Mario n' Wongs was on the up and up.

In the case of the Gaborek's Circuit City charge card, 1523-0061-0577-9097, Castardi stated to Gaborek in the summer of 2007 that certain electronic and software items were needed for the restaurant. Then in September 2007, Gaborek received a billing statement from Circuit City and noticed that several expensive electronics items had been purchased with his card. Gaborek believed that the items in question seemed unrelated to Mario n' Wongs. Furthermore, a Home Depot statement showed evidence of costs in excess of what would be normally be expected with the restaurant remodel. Gaborek then realized that Castardi was also remodeling his basement at his home and that some of the purchases might be for Castardi and Wolf's personal benefit. The suspicious items included a Samsung ultra-slim projection television valued at \$1983.56, a Bose surround sound system, valued at \$1884.39, a Polaroid television (which had been returned), a Sony digital camera, a Sony Play Station, a blu-ray disc for the movie "Blood Diamond", a Sony Play Station II game entitiled, "Sopranos" and other miscellaneous items totaling \$6,219.13. In the end the various items which had been purchased on Gaborek's Circuit City card were made on August 21, 2007, September 11, 2007 and December 4, 2007. Gaborek then asked Castardi about the Circuit City expenses. Castardi's response was, "Don't worry, the restaurant will repay you." and "Are you going to get mad at me for buying a \$5,000 TV? We have bigger problems to worry about with getting this restaurant open."

For a variety of reasons, including Gaborek's concern for Castardi based on past observations, including being intimidated by Castardi, Gaborek did not press this issue. On December 31, 2007, Gaborek was at Castardi's home for a party when he noticed a remodeled basement with a theater room which contained a large flat screen TV and a surround sound system.

Investigators later learned that all of the questionable purchases had been made at the Circuit City store located at 1505 S. Colorado Blvd in Denver in the name of John Gaborek. Circuit City assistant manager John Betancourt researched this issue and determined that John Gaborek was listed as having two addresses, one being Gaborek's legitmate address in Littleton and the other being at 981 Spruce Street in Denver, the home of Jeffrey Castardi and Dawn Wolf. Mr. Betancourt learned that an installation of equipment had been purchased by a John Gaborek for the Spruce Street residence on December 4, 2007. The installation was completed on December

9, 2007 for the wiring of a television and a surround sound system. On December 13, 2007, a woman identifying herself as "Mrs. Gaborek" called Circuit City and complained about a picture quality issue. A "Mr. Gaborek" then got on the phone with an installer or technical advisor and discussed this situation. Jeffrey Castardi appears to be the only man living at this home and Dawn Nancy Wolf appears to be the only woman living at this home. Furthermore, John Gaborek's ex-wife's name was Erin Quinn, not Gaborek, when she was married to him.

On July 25, 2008 investigators executed a Search Warrant at the Castardi/Wolf home located at 981 Spruce Street in Denver. Mr. Castardi was present while law enforcement seized a variety of items from this home, including: 1. A Samsung 61" Projection Television; 2. A Bose Surround Sound System and Receiver; 3. A "Blood Diamond" blu ray disc; 4. A Sony Playstation; and 5. A "Sopranos" video game. These items were the same items that were purchased using Gaborek's Circuit City card and his identity without his authorization.

## **Charged Predicate Act Twenty-Seven**

#### CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about January 1, 2004 to December 31, 2006, and discovered on October 1, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Jeremy Fowler, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

The predicate act alleged Charged Predicate Act Twenty-Seven occurred in the following manner:

Jeffrey Castardi took the lead by renting a house at 981 Spruce, Denver, CO. The landlord of this residence was Ward McMackin. Mr. McMackin informed law enforcement that Castardi originally stated that he was named Jeremy Fowler when he was interested in renting the house. McMackin then ran Jeremy Fowler's credit history and learned that Jeremy Fowler had poor credit. Therefore, McMackin required that Casatrdi, posing as Fowler must pay his deposit and his rent with cash. For approximately the first two years of the unwritten lease agreement, McMackin stated that he truly believed that Castardi's identity was that of Jeremy Fowler. Castardi confirmed to law enforcement on April 18, 2008 that he did use the name Jeremy Fowler when he rented his home. Given Castardi's common scheme of using other ficticious names, such as Jeff Wolf, and purposefully distancing himself from ever having his real name associated with property, it is a reasonable inference that Castardi used the name of Jeremy Fowler to gain a benefit for himself, and his family.

## **Charged Predicate Act Twenty-Eight**

## FRAUD UPON THE DEPARTMENT OF REVENUE-TAX EVASION, C.R.S. 39-21-118(1) (F5)

On or about April 15, 2005 through April 15, 2007, in the State of Colorado, **Jeffrey Castardi and Dawn Nancy Wolf** willfully attempted in any manner to evade or defeat any tax administered by the Colorado Department of Revenue; to wit, the evasion of paying State Individual Income Taxes for tax years 2004, 2005, and/or 2006; in violation of section 39-21-118(1), C.R.S.

The predicate act alleged in Charged Predicate Act Twenty-Eight occurred in the following manner:

The previous Predicate Act factual summaries in support of Count One and the subsequent factual summary for the subsequent Count Two are incorporated by reference. The married couple of Jeffrey Castardi and Dawn Wolf were both Colorado residents with a home and domicile in Denver, CO during the 2004-2006 tax years. During this time period Mr. Castardi never filed any Federal or State Income Tax returns as an individual taxpayer. Ms. Wolf never filed a Federal or State Income Tax return as an individual taxpayer for the 2005 or 2006 tax years. Evidence was established and put into the record which demonstrated that Castardi and Wolf did in fact earn or benefit from income during the 2004-2006 tax years from GRC related activities. Furthermore, based on a variety of proactive steps or measures employed by Castardi and Wolf, both of them attempted to evade or avoided having their income associated with them. For example: (1) Mr. Castardi never filed Colorado Individual Income Tax returns for any of the tax years in question; (2) Mr. Castardi and the GRC did earn income in the form of cash via the rake from the gambling; (3) Additional income in the form of cash was earned by Castardi and the GRC from the interest charged to losing sports bettors; (4) Mr. Castardi earned income from other sources including via cash being taken from Gennaro's and from loan-sharking interest; (5) Ms. Wolf was involved in the operation of GRC and aware of the rake being earned from poker games; (6) Documentation detailing the income earned by the GRC was shredded on a daily basis; (7) Ms. Wolf had Colorado W-2 income in excess of \$ 16,000 in 2004, \$2,000 in 2005 and \$3,000 in 2006; (8) Ms. Wolf's role as President of the GRC in signing and filing fraudulent 2004 and 2006 federal tax returns for the GRC; (9) Significant sums of money intended for Castardi, Wolf and/or the GRC were often routed though the bank accounts of various third parties such as Mario n' Wongs, Daniel Rieke, Laura Jean Fouty and Steve Jacobson and then dispersed to Castardi for the benefit of Wolf and himself.

For the purposes of analyzing the evasion of Colorado state income tax, Special Agent Charles Schlaufman of the Colorado Department of Revenue and a trained accountant, used very conservative data to calculate the amount of income taxes Castardi and Wolf jointly evaded or attempted to evade during the 2004-2006 tax years. For the purposes of this calculation the Department of Revenue did not include income derived from allegations that Castardi and Wolf had the benefit of tens, if not hundreds of thousands of dollars acquired from various investors or other debtors. However, with Agent Schlaufman reasonably aware that based on an analysis of Castardi and Wolf's lifestyle expenses and from his review of the various pieces of information

alleging vast sums of undocumented cash available to them, he computed their unreported taxable income simply as follows: 2004: \$61,120; 2005: \$61,120 and 2006: \$69,870. When 2004-2006 taxable income is calculated, combined with Wolf's income shown in her 2004 income tax return, or from other sources, the provable state tax liability for this couple was then assessed by the Department of Revenue.

### **Charged Predicate Act Twenty-Nine**

#### TAMPERING WITH PHYSICAL EVIDENCE, C.R.S. 18-8-610(1)(a) (F6)

On or about July 7, 2008 through August 5, 2008, in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **Pie-O-My**, **LLC**, **dba Mario n' Wongs** believing that an official proceeding was pending or about to be instituted, and acting without legal right or authority, unlawfully and feloniously destroyed, mutilated, concealed, removed, or altered physical evidence with intent to impair its verity or availability in the pending or prospective official proceeding; in violation of section 18-8-610(1)(a), C.R.S.

The predicate act alleged in Charged Predicate Act Twenty-Nine occurred in the following manner:

On July 7, 2008 Dawn Wolf and her business entity, Pie-o-My, LLC, received a Subpoena Duces Tecum (SDT) which was served on behalf of the Colorado State Grand Jury. Ms. Wolf was ordered to provide the Grand Jury with specified documents and records by July 18, 2008, including, but not limited to, "10. All records pertaining to merchant card accounts utilized in the course of business to collect payment for the sale of goods and services of any kind, agreements and records of credit/debit cards billed and corresponding payments received." An extension of time until August 1, 2008 was requested by Ms. Wolf through her counsel of when the ordered items were due to the Grand Jury.

Prior to the Grand Jury issuing the SDT, Grand Jury investigators had learned from Cathy Lopez that her deceased husband Eric Cox had used a credit card assigned to her to make a purchase at Mario n' Wongs on October 24, 2007. The amount of the transaction was for \$2500.00. Based on Lopez' awareness of Cox's gambling habit, his accrued gambling debt and his routine of paying Fowler and Rieke to cover his mounting debts, Ms. Lopez formed an opinion that this \$2500.00 transaction was related to Cox's gambling. On April 18, 2008, Jeffrey Castardi admitted to CBI Agents Gagliardi and Brown that he did use Mario n' Wongs to have Eric Cox make gambling payments via checks and through the use of the restaurant's POS credit card device. According to Castardi, the Cox gambling debt which was paid via card was in an amount between \$1200.00 and \$2000.00. Therefore, with this information being confirmed to some extent, it was expected that Ms. Wolf and Mario n' Wongs would provide the Grand Jury with records from Mario n' Wongs showing the Cox credit card and check transactions.

Grand Jury Investigator Clyman examined the documents which were provided by Ms. Wolf, through her counsel. Investigator Clyman determined that Ms. Wolf and Mario n' Wongs did not provide any documents related to the \$2500.00 Cox credit card transaction from October 24, 2007, or any other payments made to Mario n' Wongs associated with unlawful gambling debts.

## **COUNT TWO**

VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT (CONDUCTING OR PARTICIPATING IN AN ENTERPRISE THROUGH THE COLLECTION OF AN UNLAWFUL DEBT), C.R.S. 18-17-104(3) (F2)

On or about May 1, 2003 to December 31, 2008, and initially discovered on October 1, 2007, **Jeffrey Castardi; Dawn Nancy Wolf,** Individually and/or **dba Gin Rummy Club** and/or **Pieo-My, LLC, dba Mario n' Wongs; and Laura Jean Fouty**, in the State of Colorado, while employed by and/or associated with an enterprise, namely: various legal entities including, but not limited to, the Gin Rummy Club, Pie-o-My, LLC, dba Mario n' Wong's and/or John F. Fishburn, Inc. dba Gennaro's Restaurant and Lounge, as well as Jeffrey Castardi, Dawn Wolf, Daniel Rieke, John Van Buren, Jeremy Fowler, Todd Casey, Edward Fertig, John Gaborek, Leonard Gennaro, Pavlos Kolovos, Darko Lukajic, Leo Pavlushkin, Dan Goins, David Lettin, Andrew Stein, James Elterman, Steven Jacobson, John Van Buren, Scott Shires and/or Laura Jean Fouty, a group of individuals associated in fact, although not a legal entity unlawfully, as well as others known and unknown to the Grand Jury, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through the collection of an unlawful debt; in violation of sections 18-17-104(3) and 18-17-105, C.R.S.

The offense alleged in Count Two was committed in the following manner:

The elemental and predicate act factual summaries contained in Count One are incorporated by reference as part of this factual summary in support of Count Two. Furthermore, Jeffrey Castardi, both as a principal and as a complicitor with other individuals including Daniel Rieke, Dawn Wolf, Laura Jean Fouty, Steven Jacobson, Jeremy Fowler, Edward Fertig, Leo Pavlushkin, as well as the Wolf businesses of the GRC and Mario n' Wongs, was the central figure at the hub of the enterprise's diverse unlawful debt collection operation. Evidence was specifically established that at times Dawn Nancy Wolf and Laura Jean Fouty as individuals were significantly involved as principals in this behavior by also collecting various unlawful debts for the enterprise. In particular the Castardi led enterprise was owed a variety of "unlawful debts" that were incurred or contracted through an illegal gambling activity or business or which were unenforceable under state or federal law in whole or part as to principal or interest because of the law relating to usury. Specifically, gamblers and debtors such as, but not limited to, Eric Cox, Greg Geller, aka GG, John Van Buren, aka JVB, Dr. John Sacha, George Lee, Andrew Stein, Dr. D. Craig Loucks and Dan Dunne, aka Cigar, each incurred various unlawful debts which were owed to Castardi and/or GRC.

In the case of Eric Cox evidence was discovered through the combination of testimony from his widow Cathy Lopez and upon a review of obtained documents that Mr. Cox had accrued approximately \$60,000, if not more, in gambling debts during his time playing poker at the GRC. Greg Geller further testified that Castardi once told him that Cox was in "bad shape", meaning that Cox was in big trouble because he owed a lot of money to Castardi.

As far back as May 2007, Eric Cox was delinquent in paying off his gambling debts to the GRC. Ms. Lopez testified that she first learned of Cox's debts after she had observed a text

message on Cox's phone from Jeremy Fowler that stated, "Hey buddy you're a good customer. We can work it out. Just call me." Lopez later talked to Fowler and confirmed that Cox did have a gambling debt and thus owed money to the GRC. Fowler then called Lopez and tried to explain that Cox's debt was not poker related, but was for a personal loan. Cox finally told Lopez that his debt was in fact a gambling debt. Ms. Lopez also discovered that in June 2006 Eric Cox wrote \$6775.00 worth of checks payable to Rieke and Fowler on his mother's business account, Booth Properties. In October 2006, Eric Cox then wrote three more checks totalling \$16,970.00 on this same account that were payable to Fowler. Then for a short while during the summer of 2007, Cox was trying to pay off his gambling debt, which included him selling his car so that Fowler could get \$4000.00 to offset some of Cox's debt owed to the GRC.

Ms. Lopez then stated that after Jeremy Fowler's suicide in New Mexico in June 2007, Daniel Rieke called Cox. As 2007 turned in 2008, Ms. Lopez who initially thought that Cox was doing better battling his addictions to drugs and gambling, learned that Cox had relapsed and disappeared. Ms. Lopez also remembered possibly seeing a text message from Daniel Rieke in December 20007 in which he stated to Cox, "Are you going to meet us?"

On January 22, 2008, Ms. Lopez came home with her family and found Eric Cox dead as a result of an apparent suicide caused by carbon monoxide poisoning. Ms. Lopez and her brother-in-law later found Mr. Cox's cell phone near where his body was found. Ms. Lopez examined the phone and observed multiple incoming text messages from Jeffrey Castardi and Daniel Rieke that were described by Ms. Lopez as "a lot of threats from Jeff and Daniel about money" and about how Eric Cox had been lying to Castardi and Rieke and that Cox had to pay them with items, including anything he possessed, such as his golf clubs or his computers. It should be noted that the text messages from Castardi and Rieke had been sent in the days leading up and including the day of Cox's apparent suicide. For more specifics about the content of the text messages please refer to and incorporate Grand Jury Exhibits 32 and 33.

Ms. Lopez then provided law enforcement with various documents which showed that Eric Cox had been paying thousands of dollars to Fowler, Rieke, Castardi and through Mario n' Wongs in an attempt to pay off his growing gambling debt to the GRC. Ms. Lopez also provided evidence that demonstrates she was a victim of identity theft when her credit cards, checks and other financial transaction devices were forged and/or used by Cox without her authorization to pay off some of his gambling debts. Grand Jury Exhibits 27, 28, 29, 30 and 31 show a variety of convience checks, cash advances or credit cards belonging to Lopez that were used by Cox to pay off his gambling debts during September and October 2007. This included an October 24, 2007 gambling payment by Cox via Lopez's credit card at Mario n' Wongs in the amount of \$2500. The recipents of the various four figure checks or from the credit card usage were quite often Mario n' Wongs as well, along with Daniel Rieke because Cox wrote one check to him. Rieke also got Cox to make gambling payments via PayPal transactions.

Daniel Rieke confirmed for the Grand Jury that Castardi, Rieke and the GRC did use a system of collecting debts from individuals who acquired their debts through unlawful activities. Rieke explained that some players were uncooperative when they were to repay the GRC so Castardi or his surrogates would sometimes have to go out to collect. Rieke stated that in regards to Cox he physically went to Cox's house to collect on these debts. Rieke confirmed that numerous text

messages were sent to Cox by Castardi and himself in January 2008 with the intent of having Cox pay off his gambling debts. Rieke also provided the Grand Jury with information that Eric Cox actually had a "vig" of 4 % per week added to his poker debts and that it was Castardi's idea because Castardi was angry and frustrated with Cox's debt. Castardi also suggested that Mario n' Wongs should be used to collect some of Rieke's debts. Rieke summarized that Cox did in fact pay his GRC debt in a variety of ways such as paying cash to Castardi and Rieke, writing checks to Rieke or Mario n' Wongs and via PayPal transactions to Rieke.

Mr. Fertig was one of the first witnesses to describe the GRC's collection methods. He specifically cited four episodes during a 3-4 month span between late 2004 and early 2005 where he was tasked by Castardi with collection duties. Fertig remembered one incident where he was accompanied by Leo Pavlushkin to collect from an individual at a pool hall located near the intesection of Sheridan and Colfax where he was given between \$15-16,000 in cash in a bag. Leo Pavlushkin independently confirmed this collection effort with Fertig when he was interviewed by Grand Jury investigators.

Another collection effort was when Castardi had Fertig collect from George Lee at Lee's place of business, an auto dealership. Fertig stated that when he told Mr. Lee why he was there (collecting for Jeff) Lee physically turned white in appearance. Lee testified before the Grand Jury and confirmed some aspects of this gambling debt collection encounter with an associate of Castardi's, but he downplayed the seriousness of his debt issue. However, Castardi once told Fertig that you did not want to get late with a payment owed to him because you do not "...want me parking in front of your house at midnight waiting for you to come home and threatening you or making you look bad at work." Geller testified that if you did not answer your phone or respond to texts that Castardi would come to your house. Geller also talked about Castardi appearing threatening when he was looking for John Sacha, who had accrued significant debts to Castardi and the GRC. Sacha himself testified that when he lost at the GRC, Castardi, Fowler or Rieke would text or call him 3-4 times within 12-24 hours to collect the gambling losses. Sacha often paid via cash by leaving an envelope with the valet at the Cherry Creek Mall for Castardi, meeting at Whole Foods to pay, or through wire transfers into Daniel Rieke's FDIC insured bank. Finally, Castardi also brought in a picture of the Gambino crime family and stated in a serious manner that he was connected to them. Castardi further stated that if anything happened to him, the GRC players would be very unhappy as to who showed up to take his place regarding collections.

Another way that Castardi, Wolf and the GRC were able to collect unlawful debts was the arrangement with John Van Buren who had accrued some gambling debts close to \$10,000. In exchange for paying off his debts, Van Buren started organizing, running and marketing Friday night games in early 2008 for his benefit as well as for the GRC. Van Buren's portion of the rake from the Friday poker play was then deducted from his debt which was owed to the GRC.

Laura Jean Fouty's Wells Fargo bank account was used to collect unlawful debts incurred by Andrew Stein, John Van Buren and Greg Geller which were owed to Castardi and/or the GRC. This is in addition to Ms. Fouty's account being used to have approximately \$600,000.00 of additional funds collectively deposited by Elterman, Gennaro and Gaborek and then later withdrawn by Fouty for Castardi's use.

## **COUNT THREE**

## FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about December 12, 2003, in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**, **and Jeffrey Castardi**, with the intent to defraud the City and County of Denver, Department of Excise and Licenses, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: an application for a social room license, filed, required by law to be filed, or legally fileable in or with the City and County of Denver, Department of Excise and Licenses, a public office or public servant; in violation of section 18-5-102(1)(d), C.R.S.

## **COUNT FOUR**

# OFFERING A FALSE INSTRUMENT FOR RECORDING IN THE FIRST DEGREE, C.R.S. 18-5-114(1) (F5)

On or about Deccember 12, 2003, and initially discovered on or about October 1, 2007, in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**, and **Jeffrey Castardi**, unlawfully, feloniously, and with intent to defraud, presented or offered a written instrument, namely: an application for a social room license, relating to or affecting real or personal property or directly affecting contractual relationships, to a public office or a public employee, namely: City and County of Denver, Department of Excise and Licenses, with the knowledge or belief that the written instrument would be registered, filed, or recorded or become a part of the records of that public office or public employee, and knowing that the written instrument contained a material false statement or material false information; in violation of section 18-5-114(1), C.R.S.

#### **COUNT FIVE**

#### ATTEMPT TO INFLUENCE A PUBLIC SERVANT, C.R.S. 18-8-306 (F4)

On or about December 12, 2003 through February 26, 2004, in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**, **and Jeffrey Castardi**, unlawfully and feloniously attempted to influence Eileen Muench and/or Stephanie Y. O'Malley, each a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

The offenses alleged in Counts Three through Five occurred in a manner previously summarized in support of Predicate Acts Three through Five in Count One.

#### **COUNT SIX**

## ENGAGING IN PROFESSIONAL GAMBLING, C.R.S. 18-10-103(2) (M1)

On or about August 15, 2007 through December 31, 2008 in the State of Colorado, **Jeffrey Castardi**, **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club**, **James Elterman and Daniel Rieke** unlawfully engaged in professional gambling; in violation of section 18-10-103(2), C.R.S.

The offense alleged in Count Six occurred in a manner previously summarized in support of Predicate Acts One, Six, Seven and Eight in Count One and also in Count Two.

## **COUNT SEVEN**

### ENGAGING IN CRIMINAL USURY, C.R.S. 18-15-104(1), (F6)

On or about February 15, 2006 through December 31, 2008, in the State of Colorado, **Jeffrey Castardi and Todd Casey**, knowingly charged, took, or received any money or other property as a loan finance charge where the charge exceeds an annual percentage rate of forty-five percent or the equivalent for a longer or shorter period; in violation of section 18-15-104(1), C.R.S.

#### **COUNT EIGHT**

#### FINANCING CRIMINAL USURY, C.R.S. 18-15-106, (F6)

On or about February 15, 2006 through June 30, 2008 in the State of Colorado, **Todd Casey**, knowingly advanced money or property, whether as a gift, a loan or an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of the person to whom the advance is made to use the money or property directly or indirectly, for the purpose of engaging in criminal usury; in violation of section 18-15-106, C.R.S.

#### **COUNT NINE**

# POSSESSION OR CONCEALMENT OF RECORDS OF CRIMINAL USURY, C.R.S. 18-15-108(1), (F6)

On or about February 15, 2006 through December 31, 2008, in the State of Colorado, **Jeffrey Castardi**, possessed or concealed any writing, paper, instrument, or article used to record criminally usurious transactions, and who knows or has reasonable grounds to know that the contents have been used or are intended to be used to conduct a criminally usurious transaction, or who possessed or concealed such instruments with intent to aid, assist, or facilitate criminal usury; in violation of section 18-15-108(1), C.R.S.

The offenses alleged in Counts Seven through Nine occurred in a manner previously summarized in support of Predicate Acts Nine and Ten in Count One and also in Count Two.

#### **COUNT TEN**

## ATTEMPT TO INFLUENCE A PUBLIC SERVANT, C.R.S. 18-8-306 (F4)

On or about February 9, 2006, in the State of Colorado, **Jeffrey Castardi**, unlawfully and feloniously attempted to influence Richard A. Wehmhoefer and/or Stephanie Y. O'Malley, both public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

#### **COUNT ELEVEN**

#### CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about February 9, 2006 and initially discovered on or about October 1, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Jeff Wolf, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

The offenses alleged in Counts Ten and Eleven occurred in a manner previously summarized in support of Predicate Acts Eleven and Twelve.

## **COUNT TWELVE**

#### FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about June 2, 2004 through July 16, 2004, in the State of Colorado, **Dawn Nancy Wolf** did with the intent to defraud the United States Bankruptcy Court, District of Colorado, the U.S. Trustee and/or Dawn Nancy Wolf's various creditors, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: a Voluntary Petition and the accompanying Statement of Financial Affairs and Schedules, filed, required by law to be filed, or legally fileable in or with the United States Bankruptcy Court, District of Colorado, and/or the U.S. Trustee, both public offices or public servants; in violation of section 18-5-102(1)(d), C.R.S.

## **COUNT THIRTEEN**

## ATTEMPT TO INFLUENCE A PUBLIC SERVANT, C.R.S. 18-8-306 (F4)

On or about June 2, 2004 through November 19, 2004, in the State of Colorado, **Dawn Nancy Wolf** did unlawfully and feloniously attempted to influence Judge Michael Romero of the United States Bankruptcy Court, District of Colorado and/or Tom Connelly, a U.S. Trustee, both public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S.

The offenses alleged in Counts Twelve and Thirteen occurred in a manner previously summarized in support of Predicate Acts Thirteen through Fourteen in Count One.

## **COUNT FOURTEEN**

## FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about May 25, 2005 in the State of Colorado **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club** with the intent to defraud the United States Government, the Internal Revenue Service and/or the Colorado Department of Revenue, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: a 990-EZ Return of Organization Exempt from Income Tax for the 2004 tax year, filed, required by law to be filed, or legally fileable in or with the Internal Revenue Service, a public office or public servant; in violation of section 18-5-102(1)(d), C.R.S.

#### **COUNT FIFTEEN**

#### FORGERY, C.R.S. 18-5-102(1)(d) (F5)

On or about December 20-21, 2007 in the State of Colorado **Dawn Nancy Wolf**, Individually and/or **dba Gin Rummy Club** with the intent to defraud the United States Government, the Internal Revenue Service and/or the Colorado Department of Revenue, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a public record or an instrument, namely: a 990-EZ Return of Organization Exempt from Income Tax for the 2006 tax year, filed, required by law to be filed, or legally fileable in or with the Internal Revenue Service, a public office or public servant; in violation of section 18-5-102(1)(d), C.R.S.

The offenses alleged in Counts Fourteen and Fifteen occurred in a manner previously described in support of Predicate Acts Fifteen and Sixteen in Count One.

## **COUNT SIXTEEN**

## TAMPERING WITH A WITNESS OR VICTIM, C.R.S. 18-8-707 (F4)

On or about April 18, 2008 to November 7, 2008, in the State of Colorado, **Jeffrey Castardi**, unlawfully, feloniously, and intentionally attempted, without bribery or threats, to induce Laura Jean Fouty and/or Pavlos Kalovos, both witnesses, victims, or persons Jeffrey Castardi believed would be called to testify as a witness or victim in an official proceeding or who might be called to testify as a witness or victim in any crime to testify falsely or unlawfully withhold any testimony, in violation of section 18-8-707, C.R.S.

The offense alleged in Count Sixteen occurred in a manner previously summarized in support of Predicate Act Seventeen in Count One.

#### **COUNT SEVENTEEN**

#### THEFT - \$20,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about December 23, 2007 to December 12, 2008, in the State of Colorado, **Jeffrey Castardi and James Elterman**, Individually and/or **dba JHE Realty, LLC** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money as paid out in the form of insurance proceeds, of Travelers Insurance, with the value of twenty thousand dollars or more, without authorization, or by threat or deception, and intended to deprive Travelers Insurance permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

## **COUNT EIGHTEEN**

#### <u>THEFT - \$20,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)</u>

On or about December 23, 2007 to December 12, 2008, in the State of Colorado, **Jeffrey Castardi and James Elterman** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: money as paid out in the form of insurance proceeds, of Chubb Insurance, with the value of twenty thousand dollars or more, without authorization, or by threat or deception, and intended to deprive Chubb Insurance permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S.

## **COUNT NINETEEN**

## THEFT - \$20,000 OR MORE, C.R.S. 18-4-401(1),(2)(d) (F3)

On or about January 14, 2008 through December 12, 2008, **Jeffrey Castardi and James Elterman**, Individually and/or **dba JHE Realty**, **LLC** unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: a 2003 Mercedes-Benz SL500 automobile, of Travelers Insurance, with the value of twenty thousand dollars or more, without authorization, or by threat or deception, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Travelers Insurance of its use or benefit; in violation of section 18-4-401(1)(b),(2)(d), C.R.S

## **COUNT TWENTY**

### TAMPERING WITH PHYSICAL EVIDENCE, C.R.S. 18-8-610(1)(a) (F6)

On or about December 23, 2007 through December 12, 2008, in the State of Colorado, **Jeffrey Castardi** believing that an official proceeding was pending or about to be instituted, and acting without legal right or authority, unlawfully and feloniously destroyed, mutilated, concealed, removed, or altered physical evidence with intent to impair its verity or availability in the pending or prospective official proceeding; in violation of section 18-8-610(1)(a), C.R.S.

The offenses alleged in Counts Seventeen through Twenty occurred in a manner previously summarized in support of Predicate Acts Eighteen through Twenty-One in Count One.

## **COUNT TWENTY-ONE**

## THEFT-\$1,000-\$20,000-SERIES-C.R.S. 18-4-401(1)(a),(4) (F4)

On or about August 21, 2007 to December 13, 2007, in the State of Colorado, **Jeffery Castardi** and Dawn Nancy Wolf unlawfully, feloniously, and knowingly obtained or exercised control over things of value, namely: multi-media items, equipment and components, including a 61" Television, a Bose surround sound system and the equivalent cash value of other items, equipment and components, of Circuit City and/or John Gaborek, twice or more within a period of six months, with an aggregate value of one thousand dollars or more but less than twenty thousand dollars, without authorization, or by threat or deception, and intended to deprive Circuit City and/or John Gaborek permanently of its use or benefit; in violation of section 18-4-401(1)(a),(4), C.R.S.

## **COUNT TWENTY-TWO**

## <u>IDENTITY THEFT - C.R.S. 18-5-902(1)(b),(f) (F4)</u>

On or about August 21, 2007 through December 13, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly possessed or attempted to possess the personal identifying information, financial identifying information, or financial device of John Gaborek without permission or lawful authority, with the intent to use or to aid or permit another person to use the information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment; in violation of section 18-5-902(1)(b),(f), C.R.S.

## **COUNT TWENTY-THREE**

# <u>UNAUTHORIZED USE OF A FINANCIAL TRANSACTION DEVICE - \$1,000 - \$20,000,</u> C.R.S. 18-5-702(1),(3)(c) (F5)

On or about August 21, 2007 to December 13, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully and feloniously used a financial transaction device, namely: a Circuit City credit card assigned to an account holder of John Gaborek, for the purpose of obtaining cash, credit, property, or services, or for making financial payment, with intent to defraud, and with notice that the use of the financial transaction device was unauthorized by either the issuer thereof or the account holder, and the value of the cash, credit, property, or services obtained or of the financial payments made was one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-5-702(1),(3)(c), C.R.S.

## **COUNT TWENTY-FOUR**

## CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about December 13, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Mr. Gaborek, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

## **COUNT TWENTY-FIVE**

## CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about December 13, 2007, in the State of Colorado, **Dawn Nancy Wolf** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Mrs. Gaborek, and in such identity or capacity did an act with intent to unlawfully gain a benefit for herself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

The offenses alleged in Counts Twenty-One through Twenty-Five occurred in a manner previously summarized in support of Predicate Acts Twenty-Two through Twenty-Six in Count One.

## **COUNT TWENTY-SIX**

### CRIMINAL IMPERSONATION - GAIN A BENEFIT, C.R.S. 18-5-113(1)(e) (F6)

On or about January 1, 2004 to December 31, 2006, and initially discovered on October 1, 2007, in the State of Colorado, **Jeffrey Castardi** unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Jeremy Fowler, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S.

The offense alleged in Count Twenty-Six occurred in a manner previously summarized in support of Predicate Act Twenty-Seven in Count One.

## **COUNT TWENTY-SEVEN**

# FRAUD UPON THE DEPARTMENT OF REVENUE-TAX EVASION, C.R.S. 39-21-118(1) (F5)

On or about April 15, 2004 through April 15, 2007, in the State of Colorado, **Jeffrey Castardi and Dawn Nancy Wolf** willfully attempted in any manner to evade or defeat any tax administered by the Colorado Department of Revenue, or the payment thereof; to wit, Colorado State Individual Income Taxes for tax years 2004, 2005, and/or 2006; in violation of section 39-21-118(1), C.R.S.

The offense alleged in Count Twenty-Seven occurred in a manner previously summarized in support of Predicate Act Twenty-Eight in Count One.

#### **COUNT TWENTY-EIGHT**

## FRAUD UPON THE DEPARTMENT OF REVENUE-TAX EVASION, C.R.S. 39-21-118(1) (F5)

On or about April 15, 2006 through April 15, 2008, in the State of Colorado, **Daniel Rieke**, willfully attempted in any manner to evade or defeat any tax administered by the Colorado Department of Revenue, or the payment thereof; to wit, Colorado State Individual Income Taxes for tax years 2005, 2006, and/or 2007; in violation of section 39-21-118(1), C.R.S.

The offense alleged in Count Twenty-Eight occurred in the following manner:

Daniel Rieke was a Colorado resident who lived in both Denver and Jefferson Counties during the 2005-2007 tax years. During this time period Mr. Rieke earned income as an employee of Sportique Scooters and of Gennaro's. Based on these facts Mr. Rieke was required

to and did file Colorado State Income Tax Returns as an individual for these tax years. However, Mr. Rieke never reported nor did he declare to the Colorado Department of Revenue that he was earning income from the Gin Rummy Club (GRC) for the 2005-2007 tax years, especially since the majority of his 2007 income was from his illicit work at the GRC. Mr. Rieke testified before the Grand Jury that he had in fact not reported the additional income that he had acquired during those tax years. Mr. Rieke provided the Grand Jury with an estimate of his approximate income which was not declared on his 2005-2007 tax year returns. Rieke also stated that while he reported that he had earned \$2000.00 per month as an employee at Gennaro's, he in fact really only earned \$500.00 per month as a Gennaro's employee. Rieke further stated that he asked Leonard Gennaro to adjust his W2 to reflect this discrepancy so that his GRC income was somewhat accounted for. Therefore, with Mr. Rieke filing and signing the 2005-2007 tax year returns, he provided materially false facts to the Department of Revenue and thus evaded the disclosure of and payment of his full tax liability based on his true income, much of it from illicit sources.

## **COUNT TWENTY-NINE**

## TAMPERING WITH PHYSICAL EVIDENCE, C.R.S. 18-8-610(1)(b) (F6)

On or about September 3, 2008 through October 20, 2008, in the State of Colorado, **David Lettin,** Individually and/or **dba Lettin & Associates, Inc.** believing that an official proceeding was pending or about to be instituted, and acting without legal right or authority, unlawfully, feloniously and knowingly makes, presents, or offers any false or altered physical evidence with intent that it be intoduced in the pending or prospective official proceeding; in violation of section 18-8-610(1)(b), C.R.S.

## **COUNT THIRTY**

## FORGERY, C.R.S. 18-5-102(1)(c) (F5)

On or about September 3, 2008 through October 20, 2008, **David Lettin**, Individually, and/or **dba Lettin & Associates**, **Inc.** with the intent to defraud the Colorado State Grand Jury, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, or other instrument which does did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: a billing invoice for the Gin Rummy Club; in violation of section 18-5-102(1)(c), C.R.S.

The offense alleged in Counts Twenty-Nine and Thirty occurred in the following manner:

On September 17, 2008, the Colorado State Grand Jury, through Investigator Gary Clyman, served a Subpoena Duces Tecum (SDT) upon an accountant, David Lettin, and his firm, Lettin & Associates, Inc., which required both him and his business entity to provide specified records and documents regarding the GRC and Dawn Wolf. The documents that were ordered produced included tax related items in support of the GRC's 2004 tax return and any records of payment,

including billing statements paid by Dawn Wolf and/or the Gin Rummy Club for services rendered.

On or about October 9, 2008 Mr. Lettin printed off a billing statement and then provided it to Attorney General Investigator Gary Clyman on October 14, 2008 on behalf of the Grand Jury. This document allegedly itemized the services and payments attributed to his work that he performed on behalf of Dawn Wolf and the GRC. The balance due on this version of the invoice was reported as \$1,950.00. Investigator Clyman then informed Lettin that investigators were actually aware of a \$20,000.00 "loan" having been made by Lettin to Steven Jacobson with the funds really intended for Castardi. Lettin then gave a statement about this transaction.

On or about October 20, 2008, Investigator Clyman again met with Lettin who then acknowledged that the earlier invoice that was provided to the investigator on October 14, 2008 was not the true invoice that had been sent to Wolf and the GRC. Lettin stated that he had his assistant create a manipulated/forged version of the invoice, which then was turned over. A copy of the true invoice was then obtained by Investigator Clyman. This invoice reflected an amount owed by Wolf and the GRC as being \$31,950.00.

## **COUNT THIRTY-ONE**

#### TAMPERING WITH PHYSICAL EVIDENCE, C.R.S. 18-8-610(1)(a) (F6)

On or about July 7, 2008 through August 5, 2008, in the State of Colorado, **Dawn Nancy Wolf**, Individually and/or **Pie-o-My**, **LLC**, **dba Mario n' Wongs** believing that an official proceeding was pending or about to be instituted, and acting without legal right or authority, unlawfully and feloniously destroyed, mutilated, concealed, removed, or altered physical evidence with intent to impair its verity or availability in the pending or prospective official proceeding; in violation of section 18-8-610(1)(a), C.R.S.

The offense alleged in Count Thirty-One occurred in a manner previously summarized in support of Charged Predicate Act Twenty-Nine.

	in the County of Denver, State of Colorado, this
day of	09.
	Notary Public
My commission expires:	

JOHN SUTHERS Attorney General

ROBERT S. SHAPIRO, 26869 First Assistant Attorney General Special Prosecution Unit Criminal Justice Section Attorney for the People

The 2008-2009 Statewide Grand Jury hereby ORDERED FILED this day of _	presents the within Indictment, and the same is, 2009.
Pursuant to § 13-73-107, C.R.S., the Colorado as the county of venue for the purpo	Court designates County, ses of trial.
Warrants to issue:	
BOND SET AT	_ C/S/P FOR JEFFREY CASTARDI
BOND SET AT	_ C/S/P FOR DAWN NANCY WOLF
BOND SET AT	_ C/S/P FOR DANIEL RIEKE
BOND SET AT	_ C/S/P FOR LAURA JEAN FOUTY
BOND SET AT	_ C/S/P FOR JAMES ELTERMAN
BOND SET AT	_ C/S/P FOR DAVID LETTIN
BOND SET AT	_ C/S/P FOR TODD CASEY
	LARRY NAVES CHIEF JUDGE

THE STATEWIDE GRAND JURY, 2008-2009 T	<b>ΓERM</b> Case No. 2008 CR 01
IN Re:	
JEFFREY CASTARDI, aka Jeff Wolf, aka Jeremy Fowler	
DAWN NANCY WOLF, Individually and/or dba GIN RUMMY CLUB and PIE-O-MY, LLC, dba	MARIO N' WONGS,
DANIEL RIEKE,	
LAURA JEAN FOUTY,	
JAMES ELTERMAN, Individually and/or dba JE	IE Realty, LLC
DAVID LETTIN, Individually and/or dba Lettin &	& Associates, Inc.; and
TODD CASEY	
I,, the Forepe do hereby swear and affirm that each and every 2008-2009 Statewide Grand Jury was arrived a agreement to the existence of probable cause by Statewide Grand Jury.	True Bill returned in this Indictment by the after deliberation and with the assent and
	Foreperson
Subscribed to before me in the City and County of I February, 2009	Denver, State of Colorado, this day of
	Notary Public
My commission expires:	

AS TO COUNT ONE A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWO A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT THREE A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT FOUR A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT FIVE A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT SIX A TRUE BILL	A NO TRUE BILL
FOREPERSON	

AS TO COUNT SEVEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT EIGHT A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT NINE A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT ELEVEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWELVE A TRUE BILL	A NO TRUE BILL
FOREPERSON	

AS TO COUNT THIRTEEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT FOURTEEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT FIFTEEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT SIXTEEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT SEVENTEEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT EIGHTEEN A TRUE BILL	A NO TRUE BILL
EODEDEDSON	

AS TO COUNT NINETEEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-ONE A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-TWO A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-THREE A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-FOUR A TRUE BILL	A NO TRUE BILL
FOREPERSON	

AS TO COUNT TWENTY-FIVE A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-SIX A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-SEVEN A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-EIGHT A TRUE BILL	A NO TRUE BILL
FOREPERSON	
AS TO COUNT TWENTY-NINE A TRUE BILL	A NO TRUE BILL
FOREPERSON	-
AS TO COUNT THIRTY A TRUE BILL	A NO TRUE BILL
FOREPERSON	

AS TO COUNT THIRTY-ONE A TRUE BILL	A NO TRUE BILL
FOREPERSON	